

Geneva International Centre *for* Justice  
(GICJ)

# International Migrants Day

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## Introduction

Throughout human history, migration has been a courageous expression of the individual's will to overcome adversity and to live a better life. Some people move in search of work or economic opportunities, to join family, or to study. Others move to escape conflict, persecution, terrorism, or human rights violations. Still others move in response to the adverse effects of climate change, natural disasters, or other environmental factors.

Globalization, together with advances in communications and transportation, has greatly increased the number of people who have the desire and the capacity to move to other places. As a result, today more people than ever live in a country other than the one in which they were born. In 2019, the number of migrants globally reached an estimated 272 million, 51 million more than in 2010, with international migrants comprising 3.5 per cent of the global population, compared to 2.8 per cent in 2000<sup>1</sup>. This new era has created challenges and opportunities for societies throughout the world, but it also highlighted the clear need of strong cooperation to improve migrants' rights and socio-economic conditions at both origin and destination.

In fact, while migration is a positive and empowering experience for many, it is increasingly clear that a lack of human rights-based migration governance at the global, regional and national levels is leading to the routine violation of migrants' rights in transit, at international borders, and in the countries they migrate to. Migrants in an irregular situation tend to be disproportionately vulnerable to discrimination, exploitation and marginalization, often living and working in the shadows, afraid to complain, and denied their human rights and fundamental freedoms. The denial of migrants' rights is often closely linked to discriminatory laws and to deep-seated attitudes of prejudice or xenophobia.

Mixed with elements of foreseeability, emergency, and complexity, the challenges and difficulties of international migrants require enhanced cooperation and collective action among countries and regions. The United Nations is actively playing a catalyst role in this area, with the aim of creating more dialogues and interactions within countries and regions, as well as propelling experience exchange and collaboration opportunities.

On the 18<sup>th</sup> December each year, the *International Migrants Day* is celebrated to highlight the contributions made by migrants to their host and home countries; to promote respect for their human rights; and to recognize the challenges they face. This global event not only examines a wide range of migration themes, including social cohesion, dignity, exploitation and solidarity, but it also advocates for the principle that humane and orderly migration benefits both migrants and society. This year, the observance of International Migrants Day focuses on the stories of social cohesion, which are as varied and unique as each of the 272 million migrants living new lives and building new communities in every corner of the globe. We learn together, create together, and work together. We live together, that is the meaning of this International Day.

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<sup>1</sup> United Nations. Migration. <https://www.un.org/en/sections/issues-depth/migration/index.html>

## General Trends

### Migration and Development<sup>2</sup>

The lure of a well-paid job in a wealthy country is a powerful driver of international migration. The attraction has intensified as income differentials among countries continue to grow. This holds true not only regarding the large and growing differentials between high and low-income countries, but also with regard to the more dynamic and the less dynamic developing countries. Many advanced and dynamic economies need migrant workers to fill jobs that cannot be outsourced and that do not find local workers willing to take them at going wages. Population ageing also underlies this growing demand, as it gives rise to deficits of workers relative to dependents. And as younger generations become better educated, fewer in their ranks are content with low-paid and physically demanding jobs.

By performing tasks that either would go undone or cost more, migrants allow citizens to perform other, more productive and better-paid jobs. They also maintain viable economic activities that, in their absence, would be outsourced. By enlarging the labour force and the pool of consumers and by contributing their entrepreneurial capacities, migrants boost economic growth in receiving countries.

At the point of origin, deeper poverty does not lead automatically to higher migration. The poorest people generally do not have the resources to bear the costs and risks of international migration. International migrants are usually drawn from middle-income households. However, when migrants establish themselves abroad, they help friends and relatives to follow and, in the process, the costs and risks of migration fall, making it possible for poorer people, though not for the poorest, to join the stream. Low-skilled migration has the largest potential to reduce the depth and severity of poverty in communities of origin.

Mounting evidence indicates that international migration is usually positive both for countries of origin and of destination. Its potential benefits are larger than the potential gains from freer international trade, particularly for developing countries, and thus it should not be hampered but rather regularized.

### Migration and Gender

Traditionally, discussions on migration have been focused on male actors, failing in this way to properly recognize and address the role that gender plays in shaping specific experiences. However, recently this trend has started to change with scholars, policymakers, and international organizations beginning to incorporate new instruments and arguments to properly address and understand the context that push women to leave their houses becoming national or international migrants. As a result, gender proved to be a critical and fundamental factor in the shaping of migration experiences, able to influence power dynamics, economic opportunities, and migration patterns of those involved in the process.

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<sup>2</sup> United Nations. International Migrants Day. <https://www.un.org/en/observances/migrants-day/background>

But more needs to be done to raise awareness on the fact that men are not the only moving, as described in the traditional idea of “family stage migration” according to which men travel first and then, eventually, wives and children follow at a later stage.<sup>3</sup> Female migrants exist as well and deserve our attention and support. According to a survey conducted by UN Women, currently 50% of the world’s refugees are women and girls. Yet, their needs, voices, and priorities are often forgotten or even ignored.<sup>4</sup> Data gathered and broke down by gender are of fundamental relevance because they allow the dismantle of women’s invisibility, by bringing into the light their specific experiences and contributions.

According to recent studies, participation in the migration process could lead to an increase in women’ social mobility, economic independence, and autonomy. This in turn could be followed by a change in the distribution of power within the family and more generally society, allowing women greater authority and participation, thus strongly contributing to women empowerment and gender equality.<sup>5</sup>

Many are the aspects and facets of migration that the application of a gender lens can reveal, and if we consider that such approach is relatively recent, much more can still be explored and unpacked in this field. It is therefore important to keep pushing for researches, policies, and studies focused on female migrants in order to continue uncovering the role that they have in migration processes and be better equipped to support their experiences.

### **Immigrants Anxiety and the Rise of Xenophobia**

In recent years, a notable increase in xenophobia and at the same time far-right politics has been reported, summarized in what is commonly defined as “immigration anxiety”. Specifically, there has been a rise in support for parties that base their rhetoric on intolerant and populist ideas, such as protecting workers from immigrants stealing jobs or protecting local culture and traditions from external influences; resulting in a general weakening of social integration processes accompanied by an increase in hate crimes and abuses.<sup>6</sup>

However, with the right policies and some serious commitments, this situation can be properly addressed. In fact, recent studies stressed the importance of dialogue and awareness efforts as it has been proved that negative attitudes toward migrants are mostly determined by the way in which political elites, the general public, and the media describe them as a domestic security threat, reinforcing dangerous stereotypes and legitimizing discriminatory policies.<sup>7</sup>

Specifically, five main security frames have been used to construct anti-immigrant discourses<sup>8</sup>, with dire consequences for those involved:

- Cultural: when immigrants are depicted as a threat to the country traditions.
- Religious: when immigrants are considered a threat to liberal democratic values.

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<sup>3</sup> Boyle, Julie. “Male Migration and Decision Making: Are Women finally Being Included?”. *Migration and Development*, 2015.

<sup>4</sup> UNWomen. “Women Refugees and Migrants”. 2018. <http://www.unwomen.org/en/news/in-focus/women-refugees-and-migrants#notes>

<sup>5</sup> Boyd and Grieco. “Women and Migration: Incorporating Gender into International Migration Theory”. *Migration Policy Institute (MPI)*, 2003.

<sup>6</sup> Bloomberg. “How the Populist Right is Redrawing the Map of Europe”. 2017. <https://www.bloomberg.com/graphics/2017-europe-populist-right/>

<sup>7</sup> Chebel d’ Appollonia, Ariane. “Xenophobia, Racism and the Securitization of Migration”. In *Handbook on Migration and Security*. 2017

<sup>8</sup> Mudde, Cas. “The Relationship Between Immigration and Nativism in Europe and North America”. *Migration Policy Institute (MPI)*, 2012.

- National: when they are described as violent criminals and terrorists.
- Economic: when they are treated as a burden for the local economy.
- Political: when they become instruments of the elites to undermine the average citizen.

As the years go by, the world seems to become more and more multicultural, yet less tolerant and integrated, resulting in worsening conditions for migrants and foreigners, who in addition to the numerous challenges experienced during their journeys, have to face high levels of hostility in receiving countries. These high rates of intolerance and social conflicts urgently require our attention as if not promptly addressed could lead to dangerous tensions and serious human rights violations.

## The United Nations Commitment<sup>9</sup>

### International Convention on the Rights of Migrants Workers (ICMW)

On 4 December 2000, the General Assembly, taking into account the large and increasing number of migrants in the world, proclaimed 18 December the *International Migrants Day* (A/RES/55/93). On that day, in 1990, the Assembly adopted the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (A/RES/45/158). The Convention (ICMW) aims at protecting migrant workers and members of their families; its existence sets a moral standard and serves as a guide and stimulus for the promotion of migrant rights in each country. It applies during the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure, transit and the entire period of stay and remunerated activity in the State of employment as well as return to the State of origin or the State of habitual residence.

### Committee on the Rights of Migrant Workers (CMW)

The *Committee on the Protection of the Rights of All Migrant Workers and Members of their Families* (CMW) is the body of independent experts that monitors implementation of the ICMW by its State parties. All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Convention and then every five years. The Committee will examine each report and address its concerns and recommendations to the State party in the form of 'concluding observations'. The Committee will also, under certain circumstances, be able to consider individual complaints or communications from individuals claiming that their rights under the Convention have been violated once 10 States parties have accepted this procedure in accordance with article 77 of the Convention.

### The High-Level Dialogue on International Migration and Development (HLD)

The 132 Member States that participated in the *High-level Dialogue on International Migration and Development*, conducted by the General Assembly on 14 and 15 September 2006, reaffirmed a number of key messages. First, they underscored that international migration was a growing phenomenon and that it could make a positive contribution to development in countries of origin and countries of destination provided it was supported by the right policies.

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<sup>9</sup> United Nations. International Migrants Day. <https://www.un.org/en/observances/migrants-day/background>

Secondly, they emphasized that respect for the fundamental rights and freedoms of all migrants was essential to reap the benefits of international migration. Thirdly, they recognized the importance of strengthening international cooperation on international migration bilaterally, regionally and globally.

Although the High-level Dialogue stressed that international migration could contribute to development, it recognized that international migration was not a substitute for development. All too often, migrants were compelled to seek employment abroad because of poverty, conflict or violations of human rights. Lack of peace and security, good governance, the rule of law and the provision of decent work in countries of origin ensured that people migrated out of necessity. International migration needed to be an integral part of the development agenda and should be part of national development strategies.

Since the 2006 HLD, intergovernmental cooperation in the area of migration has increased markedly. Various regional intergovernmental groups and consultative processes have been focusing increasingly on the development dimensions of international migration, although they have done so in different ways and with different perspectives. The need to understand better the issues raised by international migration in relation to development, to exchange experience and know-how, and to build common positions has propelled more countries to join regional groups and some regional groups to cooperate with each other. It seems that the HLD served as a catalyst to generate considerable activity in this area.

### **The New York Declaration and the Global Compact for Migration (GCM)**

On 19 September 2016, Heads of State and Government came together at the UN General Assembly to discuss topics related to migration and refugees. As a result of the debate, the *New York Declaration for Refugees and Migrants* was adopted.

The Declaration acknowledges the positive contribution of migrants to sustainable and inclusive development, and commits to protecting their fundamental rights.

Specifically, it called upon Member States to:

- protect the safety, dignity, human rights and fundamental freedoms of all migrants, regardless of their migratory status, and at all times;
- support countries rescuing, receiving and hosting large numbers of refugees and migrants;
- integrate migrants - addressing their needs and capacities as well as those of receiving communities - in humanitarian and development assistance frameworks and planning;
- combat xenophobia, racism and discrimination towards all migrants;
- develop, through a state-led process, non-binding principles and voluntary guidelines on the treatment of migrants in vulnerable situations;
- strengthen global governance of migration, including by bringing IOM into the UN family and through the development of a *Global Compact for Safe, Orderly and Regular Migration*.

The GCM was adopted by the world leaders at the two-day Intergovernmental Conference held in Marrakech (Morocco) from 10 to 11 December 2018, laying out the first-ever global cooperation framework for sharing responsibility to protect the world's 258 million people on the move and supporting the host communities working to accommodate them.



The GCM recognizes that a cooperative approach is needed to optimize the overall benefits of migration, while addressing its risks and challenges for individuals and communities in countries of origin, transit and destination. The compact comprises 23 objectives, including:

- mitigating the adverse drivers and structural factors that hinder people from building and maintaining sustainable livelihoods in their countries of origin;
- reducing the risks and vulnerabilities migrants face at different stages of migration by respecting, protecting and fulfilling their human rights and providing them with care and assistance;
- addressing the legitimate concerns of states and communities, while recognizing that societies are undergoing demographic, economic, social and environmental changes at different scales that may have implications for and result from migration;
- creating conducive conditions that enable all migrants to enrich our societies through their human, economic and social capacities, and thus facilitate their contributions to sustainable development at the local, national, regional and global levels.

## **GICJ Position and Recommendations**

Migration is a phenomenon that has been part of the human experience since time immemorial. Positive aspects of migration must be recognized by the international community as a whole, including prosperity, innovation and sustainable development in a globalized world. Migration shall not be prohibited or used with negative connotation as a tool for foreign policy, instead, it should be properly addressed, managed and regulated.

On the acknowledgement of this International Migrants Day, Geneva International Centre for Justice (GICJ) reiterates the importance of using all available means to protect the rights of all migrants and to fight xenophobia.

GICJ urges States and citizens to promote and protect the rights of migrants, work towards better social cohesion, and fight against contemporary forms of intolerance on a national and international scale. Specifically, in line with the objectives laid down in the Global Compact for Migration, GICJ suggests those in positions of authority the following recommendations:

- Strengthen international cooperation and global partnerships to enhance availability of pathways and to combat human trafficking, managing borders in an integrated, secure and coordinated manner.
- Collect and utilize accurate and disaggregated data as a basis for evidence-based policies aimed at minimizing the adverse drivers and structural factors that compel people to leave their country of origin.
- Implement policies aimed at promoting diversity and social cohesion; condemning any form of discrimination and encouraging evidence-based public discourse to shape perceptions of migrants.

Geneva International Centre for Justice (GICJ) is an international, independent, non-profit, non-governmental organisation based in Geneva-Switzerland. GICJ has been tackling issues of justice and accountability pertaining to Switzerland. GICJ maintains partnerships with various NGOs, lawyers and a vast civil society and network around the world.

Through these channels, GICJ receives documentation and evidence of human rights violations and abuses in Switzerland as they occur and report that to the human rights bodies in Geneva





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