

**Driving
change
for better
cities**

WELDI

BUILDING WELCOMING COMMUNITIES
FOR MIGRANTS

Human-Rights Based Approach to Local Reception and Integration Policies

Ad hoc expert Estel la Pareja

23rd September 2024

URBACT



Co-funded by
the European Union
Interreg

SESSION OVERVIEW:

- ✓ Localising Human Rights: local authorities safeguarding the HR of migrants and refugees
- ✓ Breaking the ice – HR cloud
- ✓ Migration and Human Rights: brief review
- ✓ From international standards to local actions: inspiring cases
- ✓ Moving from a Needs-based approach to Human-rights based approach
- ✓ Addressing principal challenges and obstacles: strategies to overcome them – participatory activity (padlet)
- ✓ Protecting rights in practice: incorporating the HRBA to the public policy cycle
- ✓ Practical exercise and group discussion.

Localising human rights: local authorities safeguarding human rights of migrants and refugees

Localising Human Rights: local authorities safeguarding the human rights of migrants and refugees.

- a) **Public policies on Human Rights:** this means **to design and roll out specific policies on specific issues that need to be tackled through human rights policies**. For example the rights of migrants or to combat the hate speech: racism, xenophobia, romaphobia.
 - b) **Human Rights in public policies:** to include a **human-rights based approach** in the design, roll out and evaluation of public policies. They have to contribute to respect, protect and fulfill human rights. For example in designing reception and integration policies
 - c) **Advocacy** across multi-level governance system.
- Access to rights is improved both for newcomers and established residents.

Migration and Human Rights: a brief review

URBACT



Co-funded by
the European Union
Interreg

[Brief review – Migration and Human Rights

Human Rights are:

- Universal
- Inalienable
- Interdependent
- Indivisible
- Equal and non- discriminatory

*“Human Rights are **inherent to** us
all, regardless of nationality,
gender, national or ethnic origin,
religion, language or **any other**
status”*

Brief review – Migration and Human Rights

Contracting parties have agreed that they have the **responsibility to:**

- **Respect**
- **Protect**
- **Fulfill**

the rights to **all persons** within their jurisdiction, **including migrants.**

[Brief review – Migration and Human Rights

- Forced migration and voluntary migration
- Don't forget **interseccionalidad**: gender, language, religion, economic class, SOGIESC, minorities, legal situation, country of origin...
- While **migrants are not inherently vulnerable, they can be vulnerable to human rights violations** (especially migrants in an irregular situation).
- **Lack of HRB migration governance** at the global, regional (UE) and national levels is leading to the routine **violation of migrants' rights** in **transit**, at **international borders** and **in the countries** they migrate to.

Brief review – Migration and Human Rights

Some specific international protection instruments relevant for migrants (IHRL and IHL):

- **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)**
- **Migrations in Abusive Conditions and the Promotions of Equality of Opportunity and Treatment of Migrants Workers (OIT N.143, 1975)**
- **Domestic Workers Convention (OIT N.189, 2011)**
- **Convention relating to the Status of Refugees (1951) and the Protocol relating to the Status of Refugees (1967)**
- **Convention against Transnational Organized Crime (2000); Protocol to prevent, suppress and punish Trafficking in Persons, especially Women and Children; Protocol against the Smuggling of Migrants by Land, Sea and Air.**

[Brief review – Migration and Human Rights

The States Parties to the present Covenant undertake to guarantee that the **rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.**

Article 2(2), International Covenant on Economic, Social and Cultural Rights

*As regards **housing**, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to **refugees lawfully staying in their territory treatment as favorable as possible** and, in any event, not less favorable than that accorded to aliens generally in the same circumstances.*

Article 21, Convention Relating to the Status of Refugees

*The Contracting States shall accord to **refugees** lawfully staying in their territory **the same treatment with respect to public relief and assistance as is accorded to their nationals.***

Article 23, Convention Relating to the Status of Refugees

Brief review – Migration and Human Rights

*Everyone is entitled to all the rights and freedoms set forth in this Declaration, **without distinction of any kind**, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, **no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs**, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.*

Article 2, Universal Declaration of Human Rights

*Each State Party to the present Covenant undertakes to respect and **to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised** in the present Covenant, **without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.***

Article 2(1), International Covenant on Civil and Political Rights

From international standards to local actions: inspiring cases

Localising Human Rights: local authorities safeguarding the human rights of migrants and refugees.

- La bobine, Liège
- Healthcare outreach work – mobile maternal and child protection, Saint Denis
- Psychological support to children from the Ukraine, Sosnowiec
- UkrKidHub - House of Youth, Timișoara

Moving from a Needs-based approach to Human-rights based approach

Moving from a Needs-based approach to Human-rights based approach

What is the HRBA?

- Analytical method developed by the United Nations
- Human rights are in the centre of the public policies, programs, services...

HRBA is based on international human rights standards and operationally directed to respecting, promoting, fulfilling and protecting human rights.

- Aims to address inequality, vulnerability and discrimination.

Moving from a Needs-based approach to Human-rights based approach

➔ The centrality of people

- Right holders (not longer beneficiaries)
- Duty bearers. Those who have to ensure rights are exercised. Duties are to respect, protect and fulfill/guarantee
- Responsibility bearers: business, NGOs, universities, media,...

Moving from a Needs-based approach to Human-rights based approach

Guided by the HR principles of:

- **Non- discrimination**
- **Participation and inclusion**
- **Empowerment**
- **Accountability**

Moving from a Needs-based approach to Human-rights based approach

	Needs approach	City of human rights model
PEOPLE	Based on service provision, and people are treated as policy 'objects'.	Seeks compliance with human rights standards in response to the demands of people as 'subjects' of rights.
PROBLEMS	Analyses the immediate causes of problems.	Analyses the structural causes of problems (discrimination, power relations).
NEEDS/ RIGHTS	<p>Charity satisfies needs.</p> <p>Seeks to satisfy needs when the beneficiaries are not able to do so themselves (turning them into passive service receivers).</p>	<p>Seeks compliance with legal obligations to respect human rights.</p> <p>Seeks to empower people so they can demand their rights (turning them into stakeholders in exercising their rights).</p>
STAKEHOLDERS	Stakeholders: State and beneficiaries.	Stakeholders: rights holders, responsibility bearers and duty bearers.

Source:
BCN City Council (2018) *Methodology Guide. City of Human Rights. The Barcelona Model.*

Moving from a Needs-based approach to Human-rights based approach

SCOPE	<ul style="list-style-type: none">Works in the local sphere.Communities dependent on services offered by governments.	<ul style="list-style-type: none">Works in various spheres (local, national, international).Changes in the power relations that generate empowerment and greater access to resources for more marginal groups.
RESULTS/ PROCESSES	<ul style="list-style-type: none">Basic needs can be met on the basis of targets and results.	<ul style="list-style-type: none">Exercising rights requires both results and processes.
PARTICIPATION	<ul style="list-style-type: none">Participation is a strategy (often to legitimise actions).	<ul style="list-style-type: none">Diverse participation is a right, an objective and a strategy.
VISION	<ul style="list-style-type: none">Sectoral vision.	<ul style="list-style-type: none">Comprehensive vision and intersectoral work.

Source:
BCN City Council (2018) *Methodology Guide. City of Human Rights. The Barcelona Model.*

Moving from a Needs-based approach to Human-rights based approach

To sum up, HRBA:

- Increases legitimacy
- Holistic from a HR and gender perspective
- Generates responses efficiently (underlying causes of the problem rather than symptoms)
- Encourages an integrated responses (important when multiple actors may be looking at different aspects of a problem).
- Broadens the scope
- Get more sustainable outcomes (participatory processes)
- Interconnect sectors

Moving from a Needs-based approach to Human-rights based approach

... but what does HRBA add to work on migration?

- Migrants and refugees are right 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

Addressing principal challenges and obstacles: strategies to overcome them

Addressing principal challenges and obstacles: strategies to overcome them

Please,

I) Think of internal and external challenges and obstacles you think you could find when trying to develop local actions in safeguarding the human rights of migrants and refugees through HRBA.

II) Identify strategies to overcome them

	Challenges	Strategies / Arguments
Internally		
Externally		

Protecting rights in practice: incorporating the HRBA to the public policy cycle

Protecting rights in practice: incorporating the HRBA to the public policy cycle

1st Step – Analysis: turning problems/needs into Rights

2nd Step – Identifying, selecting and formulating the public policy

3rd Step – Rolling out the public policy

4th Step – Monitoring and evaluation

Based on the methodology guide: *City of human rights. The Barcelona model.*

Protecting rights in practice: incorporating the HRBA to the public policy cycle - 1st Step – Analysis: turning problems into rights

1) Identify the problem(s) and formulate it/them as a Right

High % of families with low income – most of them single-parent families > Right to an adequate standard of living for her/himself and her/his family (art.11 ICESCR)

2) Identify the causes that led to the violation of a Right

Identify most vulnerable groups: migrant single-mother families – low paid, part time jobs.

Context/ Structural causes: high unemployment rate - access to professional education / discrimination in labour market towards women/ foreigners - Lack of support networks

Protecting rights in practice: incorporating the HRBA to the public policy cycle - 1st Step – Analysis: turning problems into rights

3) Reviewing the standards and limits of the right

- Review the standard in International and European treaties
- Review how the right is regulated in the national law and with the local framework
- Review the situation of the right according the dimensions of human rights: availability, accessibility, acceptability, quality, sustainability and participation)

4) Stakeholders and roles analysis

- RH/ DB and RB
- Relations between them
- Mapping them with “intercultural lenses”

Protecting rights in practice: incorporating the HRBA to the public policy cycle -2nd Step Identifying, selecting and formulating the public policy

➔ Dialogue between RH, RD and DB

1) Identifying and selecting the public policy strategy:

- ➔ Stakeholders capacity analysis
- ➔ To define desired changes/rights
- ➔ To identify and analyses possible alternatives
- ➔ Raising and selecting ideas and strategies for intervention
- ➔ Reviewing and validating the strategies selected by means of public and expert participation processes.

Protecting rights in practice: incorporating the HRBA to the public policy cycle -2nd Step Identifying, selecting and formulating the public policy

2) Formulating the public policy:

- The objectives, processes, activities and results have to contribute in the realization and fulfillment of the right.
- HRBA sustains that **the process by which the rights are satisfied is as important as the results. And results of public policy respond to:**
 - **Dimensions of the HR** (availability, accessibility, acceptability, quality, sustainability and participation).
 - **Processes of the HRBA:** participation and inclusion, capacity building (empowerment), equality and non-discrimination and accountability.

Protecting rights in practice: incorporating the HRBA to the public policy cycle

Incorporation HRBA in formulating public policy means to check:

- **If content** responds to the **gaps identified in the analysis** and information obtained.
- Does content respond to the **strategies selected as a result of the dialogue between RH, RB and DB?** Priorities, results and activities have to be defined with the participation and commitment of the community and local authorities.
- **If processes are based on HRBA principles** when planning and policy execution
- If it incorporates **results linked to HRBA dimensions**.

Protecting rights in practice: incorporating the HRBA to the public policy cycle

3rd Step – Rolling out the public policy

- Assigning the budget
- Including human rights indicators and measures
- Adapting public administrations tools
- Capacity building in HRBA
- Coordinating with other institutions
- Establishing spaces for dialogue with right holders and responsibility bearers
- Defining a follow-up system
- Establishing the mechanisms for accessing the information

4th Step – Assessing the public policy

Protecting rights in practice: incorporating the HRBA to the public policy cycle

GROUP EXERCISE

- Combating exploitation in the labour market at local level
- Refugees municipal reception policy
- Mental health municipal services
- Where I have to go if ...

THANK [u] FOR YOUR ATTENTION

URBACT



Co-funded by
the European Union
Interreg

**MORE INFORMATION AT
[urbact.eu]**