Preamble
The Third Arab-European NHRIs’ Dialogue on Migration and Human Rights held in Rabat-Morocco, was organised in partnership among the Moroccan Advisory Council on Human Rights, the Danish Institute for Human Rights (DIHR) and the Jordanian National Centre for Human Rights (NCHR) and NHRIs’ representatives from Europe and the Arab World including Saudi Arabia, Egypt, Qatar, Tunisia, Algeria, Mauritania, Palestine, Sweden, France, Germany, Norway, Ireland and Greece. Also, representatives from OHCHR in Geneva, the European Union Agency for Fundamental Rights, The Hague Process on Refugees and Migration, the Council of Moroccan Community Living Abroad, Raoul Wallenberg Institute in Sweden, and the Danish Institute for International Studies participated in the dialogue. [See Annex 2 for list of participants]

During the meeting participants actively engaged in discussions about challenges and gaps between the human rights standards aiming at protecting the rights of migrants and refugees, and the implementation in practice. Fruitful and constructive discussions took place at the meeting in Rabat considering the realities on the ground in terms of respect for migrants and refugees as well as the lack of ratification and implementation of international human rights’ standards such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

The participants reflected upon particularities of the Arab and the European regions in terms of history, culture and development which give rise to challenges that need to be tackled at various levels in order to reach a mutual understanding and sharing of experiences and best practices, and even worst practices, pertaining to migrants and refugees’ rights taking into consideration the differences and status of refugees in the two regions.

Recalling the recommendations of the Arab-European NHRIs’ first meeting in the spring of 2007 in Amman-Jordan, on counterterrorism measures, and the second meeting in the fall of 2007 in Copenhagen-Denmark, on Racism, Intolerance and Xenophobia, and the global NHRIs’ Meeting in Santa Cruz in 2006 on migration,

Reaffirming that NHRIs in the European and Arab regions, in conformity with the Paris Principles, should continuously strengthen their role as independent bodies and encourage the promotion and protection of human rights, including the rights of migrants and refugees, and, in addition, promote the establishment of NHRIs in countries where they are not yet established.

Underlining that NHRIs have an obligation to promote the development of an open and inclusive society, holding state authorities and governments accountable for ensuring full and equal protection of human rights for all, including migrants and refugees.

Noting that the Arab-European dialogue meeting has identified challenges in regard to migration issues in both regions, including the identification of root causes to migration and asylum-seeking related issues including, but not limited to, causes related to human rights violations such as persecution, poverty and environmental disasters, and/or causes pertaining to better economic opportunities, noting that this might also lead new forms of human rights violations such as trafficking in persons and migrants and domestic workers’ rights’ violations ending up in slavery-like situations, and/or causes related to hate speech and the perceived threat of migrants to public security, which might lead to some form that prevents them to have access to justice, education, health and social care, security, work, and to live in dignity.

Recognizing that countries in the two regions are progressing, though at different levels, in taking positive measures to protect migrants and refugees’ rights at the level of policy making and granting hospitality to large numbers of people on the move, giving access to legal remedies such at legal aid and the filing of complaints, adopting legislation guaranteeing equal labour rights and the right to become members of unions and labour associations, providing access to double citizenship and providing refugees the right to visit their country of origin when travelling on aliens passport, etc.

Declaring that NHRIs from the two regions agree to develop and strengthen regional and cross-regional collaboration aimed at exchanging experiences, good practices and challenges that support NHRIs in their endeavours to promote and protect human rights at the national level.

Recommendations

The participating NHRIs agreed to commit themselves to work towards ensuring the promotion and protection of migrants and refugees’ rights at the national, regional and international level. In order to achieve this, the following recommendations are made:

- Urge states, that have not yet done so, to ratify all international UN human rights and relevant ILO conventions, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC), and Convention Relating to the Status of Refugees and Protocol Relating to the Status of Refugees.
- NHRIs should actively promote all human rights in their work for migrants and refugees.
- Play a role in the development of national legislation aiming at the protection of rights of migrants and refugees, and call upon states to harmonize their national legislation with the international human rights standards, including rights of migrants and refugees and NHRIs’ work and efforts toward regularization of the legal status of migrants and refugees.
- NHRIs, in their interaction with the UN human rights system and Treaty Bodies, should, in their respective countries, follow up on the recommendations of the UN Treaty Bodies and special procedures.
- NHRIs should hold state authorities and governments accountable for grave human rights violations, including threats to life, physical integrity and human dignity of migrants while they are attempting to cross borders or while at the hands of the authorities.
- Strengthen cooperation between NHRIs to ensure the promotion and protection of all human rights of migrants and refugees, in particular the right not to be discriminated against, the right to equal opportunities, access to family reunification, the right to health services, social security, access to justice, education, work and training, and the right to be protected against exploitation.
- NHRIs should monitor and report about the situation of migrants and examine the cases of human rights violations and make recommendations to provide remedies for victims.
- Work towards raising awareness and promoting the culture of human rights by various means e.g. through media and internet especially in regard to combating discrimination, racism, xenophobia and hate speech.
- Foster regional dialogue and exchange of best practices by establishing working and advocacy groups consisting of NHRIs from the Arab and European regions.
- NHRIs should promote collaboration with state authorities, civil society, international organizations and intergovernmental bodies and trade unions and all the concerned stakeholders.
- NHRIs should organize public awareness and opinion campaigns to foster a conducive environment for an inclusive society recognizing the value of migrants and refugees
- To ensure continuity, participants have formed two working groups; Group One on Regular and Irregular Migration and Group Two on Labour Markets and Migrant Workers’ Rights. [See Annex 1 for Working Groups Discussions and Recommendations]
Annex 1: Working Groups Discussions and Recommendations

Working Group One: Regular and Irregular Migration

NHRIs should look at the root causes of migration movements, whether they are in the form of labour migration, i.e. regular migration, or forced migration as consequence of man-made disaster, e.g. humanitarian crisis, a political decision to accept a group of refugees who however must return when the situation has improved (e.g. prisoners from certain Balkan countries in the past and from Iraq) or the undocumented migrants or asylum seekers and refugees. These root causes could be dealt with through support from developed countries which can help improve living conditions when returning to the countries of origin. Hence, NHRIs should consider addressing economic policies and development cooperation activities relevant to migrants’ rights.

The Working Group recommended promoting and facilitating access to fundamental human rights for migrants including access to justice (providing information to migrants in their own language). It recommended to NHRIs to consider how they can reach out when irregular/undocumented migrants are not easily accessible because they often tend to hide from state agencies. Further, NHRIs should play a role in monitoring and otherwise working with relevant state agencies and how the latter respect human rights, including training them, i.e. border police, police, detention facilities, medical and other services, agency for asylum seekers, management of refugee camps, labour inspector, etc.

The Working Group recommended that NHRIs should build alliances with relevant civil society organizations, local missions of UN agencies especially the OHCHR and UNHCR, and concerned state actors to foster a human rights-friendly migration policy. The Working Group also recommended that NHRIs should foster their capacities in the field of migration and human rights and conduct related research and studies in partnership with civil society organizations in their respective countries.

Finally, the Working Group recommended to create a website to be accessed and used by Arab and European NHRIs for exchange of information (also reports on violations), documentation, studies, ideas etc. and should be accessible also for other regions (perhaps as a link to www.nhri.net).

Working Group Two: Labour Markets and Migrant Workers’ Rights

Working Group Two recommended that NHRIs should draw attention to the important role played by migrants and refugees in the labour market as well as in society at large through all means of communication, especially through media and dialogue with politicians and key actors in society. Further, the group recommended that NHRIs should ensure that migrants and refugees’ labour rights are protected in national legislation, and they drew attention to the lack of implementation in practice, through the adaptation of legislation relating to migrants and labour rights, e.g. equal remuneration and standards of minimum wages, access to mediation bodies, complaints handling procedures and the right to participate in democratic decision-making and to membership in trade unions and associations. Moreover, Group Two recommended that NHRIs compile conventions, bilateral agreements and national labour laws and conduct research to map out causes and solutions. In addition, the Working Group
recommended that NHRI s draft national plans of action in partnership with relevant stakeholders across all sectors (public, private, civil society, media, academia, local UN missions and local international donors including EU). One objective of these action plans is to leverage the sectors and organizations’ capacities regarding the human rights situation of migrant workers, mapping out factors affecting labour migration including individual and societal values and attitudes towards migrant workers, promoting migrant workers’ rights, and advocating for and creating change in national measures to protect migrant workers’ rights including lobbying with the parliament.

Discussion on Working Groups’ Presentations - Plenary Session

- There is a need to establish a mechanism to follow up on what the working groups have concluded
- There is a need to openly discuss issues and problems related to migration and human rights in the Arab countries and not only in the European countries
- Mapping studies should be conducted in countries where migration is a concern, addressing issues and problems related to migration and human rights. It is important that the focus here is not only on describing the situation, but also on suggesting solution and tools.
- NHRI s call for national dialogue to address issues related to migration and human rights.
- Public perceptions concerning migrants: Migrants should be looked upon as contributors to the economy in the countries of destination, their countries of origin (through remittances) and as enrichment to the cultural diversity
- It is important to incorporate human rights concepts and practices into education and develop curricula that foster good and positive image about migrants
- Foster migrant workers’ rights (together with their families) and provide them with access to health care, education, social security and freedom of association in civil society work and organizations
- Contribute to the empowerment of migrants so that they learn their rights as well as practice them

Practical next steps

1. NHRI s are invited to interact with regional organizations working on common migration and refugee policies.
2. NHRI s commit themselves to identify a key domestic issue of concern and develop a strategy to ameliorate the condition. The identified concern, the strategy and the progress will be made available for other participants in the network at the NHRI.net site in order to inform and seek advice and support.
3. Create modalities for joint actions to combat trafficking using the advantage of NHRI s being present in sending, transit and receiving countries.
Annex 2: List of Participants

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