


Right on

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SEXUAL & REPRODUCTIVE HEALTH & RIGHTS

Protecting the Human Rights of INTERNATIONAL MIGRANTS

 *The conditions and rights of migrants in the world are worse than they were ten years ago.*
– Mr. Jorge Bustamante (appointed July, 2005),
Special Rapporteur on the human rights of migrants,
in an interview with ACPD.

International migration has attracted a lot of attention in the last ten years. The UN estimates that there are some 191 million people who in 2005 were living in countries other than their country of birth, a significant increase from 75 million in 1960. This represents only 3% of the world population but this is only the tip of the iceberg since “temporary” foreign workers represent most of the international migrants today but are not included among the 191 million.

Rising Feminization

Furthermore, the feminization of migration flows is a well recognized feature of present-day international migration and raises specific challenges in terms of human rights, challenges which were clearly spelled out in UNFPA's flagship report, *State of World Population 2006*.

International migration constitutes an integral part of the *ICPD Programme of Action* adopted in 1994 and reaffirmed ten years later (see Milestones). The protection of the human rights of migrants has become a pressing issue and “that is why the General Assembly of the UN has included migrants among the vulnerable groups in order to devote more resources and assistance to this group,” added Mr. Bustamante. Despite increased attention given to international migration, and despite increased multilateral discussions in international fora

such as the High Level Dialogue Meeting (see pg.3), Mr. Bustamante stated that the “violations of the rights of migrants have increased dramatically with extreme cases of vulnerability throughout the world.”



Critical Issues

Mr. Bustamante stressed that two critical issues need to be urgently addressed: first, trafficking in women and children is increasing and “it is appalling that the Palermo Protocols on Human Trafficking and Smuggling are still not applied.” Secondly, he stressed that “the lack of recognition of the demand for irregular migrant labour in destination countries gives rise to xenophobia, racism and anti-immigration sentiments.”

In 1990, the UN General Assembly adopted the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, entered into force 2003. As of today, only 34 countries have ratified the Convention and not one of these is a developed country. “The world is divided between countries of origin and countries of destination. The fact that destination countries refuse to ratify the Convention is the main obstacle for reaching the objectives set forth in 1990,” stated Mr. Bustamante.

Victor Piché

See www.acpd.ca for full interview

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Abortion Tourism in CANADA

*Guest editorial: Christabelle Sethna, Professor, Institute of Women's Studies /
Faculty of Health Sciences, University of Ottawa*

The necessity of travel is a central barrier to abortion access. Indeed, “abortion tourism” or the travel women undertake, often over long distances and across municipal, provincial and international borders to access pregnancy termination is a commonplace transnational occurrence. Abortion tourism is most familiar to Ireland, where abortion is illegal. Thousands of women leave Ireland every year for legal pregnancy termination in England. Canadians have also participated in this type of travel both before and after the Criminal Code reforms legalized abortion in 1969 and after the abortion law was struck down by the Supreme Court in 1988. Before 1969, Canadian women—often white and middle class—who could afford the expense traveled to jurisdictions outside the country where abortions were legally available. The 1969 abortion law did little to alleviate the situation. Requirements for a legal abortion proved to be so restrictive that women continued to travel to England, the United States and Japan for abortions.

In Canada, abortion is legal but its access remains uneven. Many women report having to travel, sometimes far outside their communities and at considerable expense, to bridge the distance to abortion providers. Abortion tourism in Canada is understood variously as the result of regional inequality, the uneven application of various legislations, the influence of anti-choice forces, conflict between federal and provincial powers and the diminution of abortion services in the public sector.

Currently, it is financially underprivileged—and racialized—women—Aboriginal women on reserves, teenagers, women from the North, women from rural areas and women from Atlantic Canada—who travel across internal borders to Ottawa, Vancouver, Toronto, Montreal and Halifax for abortions. Canadian women seeking late term abortions often travel to the United States. The travels of this population are surrounded by silence—even in the very pressing debates about two-tier health care, wait times and privatization of medical services. During this current climate of renewed controversy over women’s reproductive rights it is imperative that Canadians realize that abortion does not have to be illegal to be inaccessible. Federal, territorial and provincial governments, along with women’s health activists, need to ensure that access to abortion services should not be restricted to those who women who can afford to travel to access them.

Righton is the periodic E-newsletter published by Action Canada for Population and Development (ACPD) published in collaboration with Canadians for Choice (CFC).

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The human rights of international migrants are protected in the following international agreements and statements:

1949 Migration for Employment Convention (No.97), International Labour Organization (ILO)

Highlights: Article (6) 1. a) i, ii, iii, & b)
www.ilo.org/ilolex/cgi-lex/convde.pl?C097

1975 Migrant Workers (Supplementary Provisions) Convention (No. 143), ILO
Part I is an addition to the 1949 convention.

www.ilo.org/ilolex/cgi-lex/convde.pl?C143#Link

1990, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Adopted December 18, Entered into Force 2003, 13 years later)

This convention is the most important instrument on the rights of migrants. Article (1) stresses that this convention applies to all migrants irrespective of their status.
www.ohchr.org/english/law/cmw.htm

1994 International Conference on Population and Development (ICPD), Programme of Action (PoA), Cairo, Chapter X: International Migration

179 Governments, including Canada, agreed to adopt migration policies and programmes.
www.unfpa.org/icpd/icpd_poa.htm

2000 Palermo Protocols on Human Trafficking and Smuggling:

Governments agreed upon 2 protocols that set standards to address trafficking and smuggling:

World Turns Attention to International Migration and Development

The potential for migrants to help transform their native countries has captured the imaginations of national and local authorities, international institutions and the private sector. There is an emerging consensus that countries can cooperate to create **triple wins**, for migrants, for their countries of origin and for the societies that receive them.¹

Report of the UN Secretary-General, Kofi Annan (May, 2006)

The High Level Dialogue (HLD) Meeting on International Migration and Development was held last September in New York. It marked the first gathering of governments to discuss this issue since the ICPD in Cairo (1994). Despite increased mobility of people over the last twelve years, governments are still reluctant to discuss international migration in a binding multilateral framework. The meeting focused on ways to make migration a positive force for development by creating “triple wins” for migrants, and for both receiving and sending countries.

The NGO community actively participated in the meeting submitting recommendations for countries to act upon. In particular, the NGO community stressed the importance of framing migration and development in a rights-based framework. ACPD urged the Canadian delegation to ratify the *UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*.

¹ International migration and development: Report of the Secretary-General, May 2006 (p.5) [http://www.un.org/esa/population/hldmigration/Text/Report%20of%20the%20SG\(june%2006\)_English.pdf](http://www.un.org/esa/population/hldmigration/Text/Report%20of%20the%20SG(june%2006)_English.pdf)

CALL TO ACTION

Within the global campaign to ratify the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families initiated by the December 18 network (www.december18.net), ACPD is making a call to launch a Canadian campaign for the ratification of this UN Convention.

All NGOs and groups interested in participating and supporting this campaign, please contact: victor@acpd.ca

RESOURCES



REPORTS:

- *United Nations, Delivering as One: Report of the Secretary-General's High-Level Panel, New York, 9 November 2006.* <http://www.un.org/events/panel/resources/pdfs/HLP-SWC-FinalReport.pdf>

WEBSITES:

- *International Organization for Migration* www.iom.int
- *Special Rapporteur on the human rights of migrants* www.ohchr.org/english/issues/migration/rapporteur/index.htm
- *KAIROS* www.kairoscanada.org/e/refugees/index.asp



1) Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (Entered into force 2003) www.ohchr.org/english/law/protocoltraff.htm

2) Protocol Against the Smuggling of Migrants by Land, Sea and Air (Entered into Force 2004) www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_smug_eng.pdf

2004 ICPD + 10 – Reaffirmation of the ICPD PoA, including Chapter X www.unfpa.org/upload/lib_pub_file/404_filename_reaffirming_cairo.pdf

2005 Global Commission on International Migration (GCIM), Report of the GCIM (2005)
The report recommended that nations establish an interagency to coordinate regional and global migration policies. www.gcim.org/en/

2006 July, NGO meeting on International Migration and Development <http://daccessdds.un.org/doc/UNDOC/GEN/N06/447/86/PDF/N0644786.pdf?OpenElement>

2006 September, High Level Dialogue on International Migration and Development www.un.org/esa/population/hldmigration/



Growing Feminization of MIGRATION

September 6, 2006, Ottawa: ACPD hosted the Canadian launch of UNFPA's flagship report, *State of World Population 2006 – A Passage to Hope: Women and International Migration*. The message was clear, while comprising half of 191 million migrants, women in recent years have dominated migration flows to developed countries. The UNFPA representative, Danièle Landry-Mugengana, cited in her Canadian address that “[M]igration is a very complex issue, but one thing is clear: gender plays a key role in shaping the migration experience. The minimum standard to which any migration policy should be held is whether it advances human rights and gender equality.” The report includes a youth supplement, which illustrates the moving testimonies of ten young migrants. The report's release preceded the HLD Meeting on International Migration and Development in hope that the momentum for migration rights continue to draw worldwide attention.

UN: Strengthening Human Rights PROTECTION

November 29, 2006: “Preliminary Conclusions” presented today to the UN Human Rights Council (HRC) from the first round of intergovernmental negotiations over the Special Procedure system will keep important recommendations to strengthen the system on the bargaining table. The system, comprised of 41 “Special Procedures”¹, is one of the HRC's essential tools for human rights protection.² Two critical functions Special Procedures perform are making country-specific recommendations and corresponding with Governments on behalf of individual human rights victims. Key proposals initiated by civil society members, including ACPD, and Governments, being carried into upcoming rounds of intergovernmental negotiations³ include methods of addressing protection gaps within the system (so that all vulnerable groups receive protection) and options for following-up implementation of recommendations. Two big issues that remain to be seen are how negotiations on these proposals to strengthen the system will take shape and whether the attempts by certain alliances of Governments to undermine the system will succeed.

Obstacles Identified by Parliamentarians and CIVIL SOCIETY

In the fall of 2006, ACPD released a report, *Identification of Obstacles to the Ratification of the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families: The Canadian Case*, commissioned by UNESCO. Based on interviews with parliamentarians and civil society, the following arguments were raised:

- Immigration should not be framed in multilateral agreements such as the Convention;
- The Convention does not respect the Canadian philosophy and tradition of immigration policy;
- Basic human rights are already covered in other conventions, and;
- Canada would have to restructure the temporary worker programs.

“These arguments are not justifiable under a human rights framework,” said the principal author of this report Victor Piché, Honorary Professor, University of Montréal and Senior Advisor International Migration (ACPD). For report see www.acpd.ca.

Discussing Abortion Rights in the AMERICAS

The 2006 recipient of the Human Rights Watch Defender Award, Verónica Cruz, a human rights activist from Mexico was in Ottawa on November 6. She was the keynote speaker at the event *Abortion in the Americas* describing the struggles for abortion rights in her state Guanajuato. The threat of the new Mexican right-wing conservative government to criminalize abortion for rape victims prompted Verónica to take action. For the occasion Human Rights Watch and ACPD released a report describing abortion and human rights in Mexico and Canada.

¹ More commonly known as Special Rapporteurs, Independent Experts, Special Representatives or Working Groups.

² One of these 28 is the Special Rapporteur on the human rights of migrants (see pg. 1)

³ Final recommendations will be adopted by the HRC in June 2007.

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Abortion in the Americas