

ASSESSING THE GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION

PROPOSAL FOR CIVIL SOCIETY INDICATORS



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INTRODUCTION

On 11 December 2018, at the Intergovernmental Conference in Marrakech, 152 States adopted the Global Compact for Safe, Orderly and Regular Migration. This Compact was an unprecedented milestone for the United Nations, since migration was incorporated from a comprehensive perspective into the UN system for the first time. This Compact, also known as the Global Compact for Migration (GCM), revolves around 23 objectives in turn broken down into a series of actions, which include the measures that States must address from an international, regional, state and local perspective in order to respond to the different dimensions of migration. Thus, the GCM aims to cover everything from the circumstances that provoke or encourage migration, to the conditions of migrants in countries of transit or destination and the policies that determine them, without forgetting the guarantees in the return processes whether voluntary or forced.

Although the GCM is non-binding, States parties commit to a review of progress in its implementation every four years at the International Migration Review Forum at the UN General Assembly in New York. However, the absence of specific indicators for each of the objectives constitutes a major obstacle to the effectiveness of this review, as was evident at the first Forum held in May 2022. Not having defined and measurable criteria that allow the level of fulfilment of each objective to be graded prevents a comparative analysis between the different States under minimum criteria of objectivity and hinders a correct assessment of the measures adopted and their impact. Additionally, this lack of indicators means that the assessments that the States themselves submit to the United Nations are flawed by complacency, as we have seen in the case of Spain.

Counteracting the biased assessments that States may make of their compliance with the Compact's commitments requires active monitoring by civil society organisations. Nevertheless, it is revealing that, during the first International Migration Review Forum, the delegation of Spanish civil society organisations was the only one to present an alternative report on the migration policies of their State.¹ Having a common framework of indicators would facilitate this work on the part of civil society, both at the international level, by contributing through shadow reports to global and regional reviews, and in terms of political advocacy at national and local levels, by demanding specific advances that meet the goals set.

All signs point to 2024 being a crucial year in this regard, as the United Nations is planning several meetings at regional level, culminating later on in Geneva to discuss the framework of indicators that should accompany the GCM. This report aims to contribute to this debate by providing a methodology proposal for the development of these indicators. In addition, by putting this methodology into practice, we propose a concrete set of indicators – defined and validated in conjunction with grassroots organisations of migrant people – for those objectives on which the organisations that are part of this alliance work most directly.

1. *Migrar por Derecho. Desafíos del Estado español ante el Pacto Mundial de Migraciones*. (in English, “Migrating by Right. Challenges for the Spanish State in the face of the Global Compact on Migrations”) https://sociedadcivilpactomundial.org/wp-content/uploads/2023/01/Informe_informe-Migrar-con-derecho_Asociaciones_Actualizadas-12-enero.pdf



METHODOLOGY

Even though the Global Compact for Migration is not legally binding, its own preamble states that it is based on the international human rights framework.² This makes it possible to redirect an important part of the Compact's commitments towards treaties that entail an obligation of compliance for many of the States that are signatories to the GCM. Thus, the starting point of this work has been precisely to identify which binding international instruments and precepts apply to each of the objectives of the GCM. To do so, we have taken as a reference the 2017 report of the United Nations High Commissioner for Human Rights on principles and guidelines on the human rights protection of migrants in vulnerable situations.³

Secondly, we have carried out a review of the different proposals for indicators on migration developed by international bodies and civil society organisations. Starting with the Agenda 2035 proposal developed in 2017 by the Special Rapporteur on the human rights of migrants,⁴ we have drawn on other sources such as the IOM,⁵ UN Women⁶ and the Global Knowledge Partnership on Migration and Development⁷ to complement it. On this basis, we have modified and expanded the set of indicators based on the particular experience that our respective organisations have in working on migration.

However, the participation of migrants in the monitoring of the Global Compact and its fulfilment is the cornerstone of this project. To this end, we have organised several working groups with migrant organisations in different parts of Spain.⁸ The aim of these groups has been, on the one hand, to bring the GCM closer to grassroots organisations as a tool to strengthen their struggle and their advocacy work, allowing them to articulate their demands in terms of the objectives of the Compact as a means to demand its fulfilment before public authorities.⁹ On the other hand, these groups have also worked

2. The Global Compact for Safe, Orderly and Regular Migration. Resolution adopted by the United Nations General Assembly on 19 December 2018. Preamble, point 2.

3. *Principles and practical guidelines on the protection of the human rights of migrants in vulnerable situations.* Report of the United Nations High Commissioner for Human Rights. A/HRC/34/31, 26 January 2017. As this is a report prior to the elaboration and adoption of the Global Compact on Migration, its structure does not follow that of the GCM, but rather proposes a series of principles that should be guiding migration policy, each of them underpinned by international human rights law. Our work has therefore consisted of cross-referencing these principles with the GCM's objectives in order to identify which precepts of binding international law apply to each of the GCM's objectives. It should be noted that, although the High Commissioner included regional human rights treaties in their analysis, we have opted to omit them in this exercise insofar as it is intended to generate a proposal for indicators with universal validity.

4. Report of the Special Rapporteur on the human rights of migrants. A/72/173

5. International Organization for Migration. *Migration Governance Indicators Data and the Global Compact for Safe, Orderly and Regular Migration. A Baseline Report (2022)*

6. *Policies and Practice: A Guide to Gender-Responsive Implementation of the Global Compact for Migration.* UN Women 2021

7. Ceriani Cernadas, Pablo; LeVoy, Michele y Keith, Liliana. *Human Rights Indicators for Migrants and their Families.* KNOMAD (Global Knowledge Partnership on Migration and Development), April 2015.

8. In Valencia on 1 April and 17 November 2023, in Pamplona on 15 April and 10 November 2023, in Barcelona on 28 April and 11 November 2023, in Córdoba on 6 May and 24 November 2023 and in Madrid on 26 May and 22 November 2023.

9. During these meetings, we were able to see that the Global Compact remains largely unknown, especially among organisations representing migrants. This circumstance represents a major challenge for the effective monitoring of the fulfilment of the GCM's objectives, as the impact of migration policies cannot be assessed without taking into account the views of the people who are mainly affected by them.



to identify the issues that, without being explicitly included in the objectives or actions of the Compact, are essential for building a rights-based migration policy. We have tried, to the extent possible, to incorporate these demands in the form of indicators, since we understand that the comprehensive approach to migration pursued by the GCM requires that its objectives be interpreted in a broad sense and not as an exhaustive list of actions.

In addition, this proposal of indicators was presented to and validated by the main regional platforms of civil society working on the GCM.¹⁰

Finally, we have constructed the following proposal by organising the various indicators into three levels that allow for a more precise measurement of the degree of progress made by each State in fulfilling the GCM:

- **Structural indicators:** those that reflect the State's commitment or intention to adopt the necessary measures to comply with its obligations and make the right effective. They relate primarily to the implementation of legislation international, regional and national legislation aimed at fulfilling the objectives of the GCM.
- **Process indicators:** those that reflect the quality and magnitude of the effort made by the State to realise rights. They refer to the adoption of policies including mechanisms, institution-building, promotion of campaigns, budgets, etc. aimed at implementing the objectives of the GCM.
- **Outcome indicators:** those that reflect achievements that indicate the realisation status of a human right, measuring results and actual impact. These are mainly numerical indicators that show an effective change and make it possible to quantify the number of people who effectively enjoy the rights recognised in the GCM.

The indicators proposed for each objective are described below.

¹⁰. This validation took place during a meeting in Madrid on 27 October 2023 with the participation of Alianza Américas, Bloque Latinoamericano sobre Migración and the Platform for International Cooperation on Undocumented Migrants (PICUM).

OBJECTIVE 4. **ENSURE THAT ALL MIGRANTS HAVE PROOF OF LEGAL IDENTITY AND ADEQUATE DOCUMENTATION**

20. We commit to fulfil the right of all individuals to a legal identity by providing all our nationals with proof of nationality and relevant documentation, allowing national and local authorities to ascertain a migrant's legal identity upon entry, during stay and for return, as well as to ensure effective migration procedures, efficient service provision and improved public safety. We further commit to ensure, through appropriate measures, that migrants are issued adequate documentation and civil registry documents, such as birth, marriage and death certificates, at all stages of migration, as a means to empower migrants to effectively exercise their human rights.

Although the Global Compact for Migration does not exhaustively detail which documents or proof of identity are required, their importance should not be underestimated. This objective is rooted in the right to recognition as a person and equality before the law, as enshrined in international human rights instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. These rights are inalienable, regardless of a person's migration status.

Legal identity and proper documentation are more than just papers; they are the keys that open the doors to a dignified life. Just as the right to access basic services implies a minimum standard of adequate living, the right to legal identity goes hand in hand with equality and non-discrimination. Even in situations of administrative irregularity, migrants deserve access to these fundamental rights.

This objective is only limited to the mere enactment of laws, but also requires the removal of physical, economic, informational, linguistic and cultural barriers that hinder the full realisation of these rights. Ultimately, ensuring legal identity and proper documentation for all migrants not only provides them with legal security, but also promotes inclusion and equality in host societies.



BINDING CONTENT UNDER INTERNATIONAL HUMAN RIGHTS LAW

INTERNATIONAL TREATY OR CONVENTION	CONTENT
<i>Universal Declaration of Human Rights</i>	Art.6 (right to recognition as a person before the law); art. 7 (equality before the law); art. 10 (right to a fair public hearing); art. 12 (right to privacy); art 16 (right to family)
<i>International Covenant on Civil and Political Rights</i>	Art. 2 (enforceability of Covenant rights); art. 14 (right to effective judicial protection); art. 16 (right to recognition of legal identity); art. 23 (right to family)
<i>International Covenant on Economic, Social and Cultural Rights</i>	Art. 10 (right to the protection of family life. Special emphasis on protection of women before, during and after childbirth and of minors).
<i>International Convention on the Elimination of All Forms of Racial Discrimination</i>	Art. 5 (equality before the law); art 6 (right to effective judicial protection)
<i>Convention on the Rights of the Child</i>	Art. 2 (non-discrimination); Art. 7 (right to legal identity); Art. 10 (right to family reunification); Art. 16 (right to private life); Art. 22 (right to access refugee status)
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i>	Art. 18 (right to effective judicial protection); Art. 44 (right to family and family reunification)
<i>International Labour Organization Convention no. 143 on Migrant Workers (Supplementary Provisions)</i>	Art. 13 (right to family reunification)
<i>International Convention for the Protection of All Persons from Enforced Disappearance</i>	Art. 12 (right to effective judicial protection)
<i>Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime</i>	Art. 6 (right to effective judicial protection)
<i>Convention Relating to the Status of Refugees</i>	Art. 16 (right to effective judicial protection)
<i>Convention Relating to the Status of Stateless Persons</i>	Art. 13 (right to identity)



PROPOSED INDICATORS

1. RECOGNITION OF LEGAL IDENTITY AND EQUALITY BEFORE THE LAW

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Signature and ratification of relevant international instruments on the legal identity and documentation of migrants.</p> <p>Existence of national laws to ensure that migrants have access to proof of their legal identity and proper documentation.</p> <p>Equal rights for all migrants in relation to the acquisition, change or retention of their nationality and the transmission of nationality to their children, supported by the inclusion of principles and objectives in national policy documents and legislation.</p> <p>Increased number of bilateral and multilateral agreements ensuring mutual recognition of migrants' identity documents and documentation, as measured by the number of agreements signed and ratified between the countries and regions involved.</p>	<p>Increased inclusion of migrants in national identification and registration systems, verified by data reflecting the increase in the number of registered migrants and their effective participation in existing identification systems.</p> <p>Existence and effectiveness of governmental and non-governmental programmes for assistance in obtaining identity documents and travel documents for migrants. This will be measured by reviewing and evaluating the policies and practices implemented, as well as the extent of coverage of these programmes and their contribution to increasing documentation and legal identity among the migrant population.</p> <p>Equal and independent access to identity and travel documents for all migrant women, demonstrated by the implementation of programmes providing assistance, the increase in the number of programmes and their outreach.</p>	<p>Increased number of migrants having access to identity documents and proper documentation, which can be measured through surveys and censuses.</p> <p>Reduced waiting times for the recognition of migrants' documentation in the country of destination.</p>



2. ENSURING ACCESS TO DOCUMENTATION FOR CHILDREN OF MIGRANTS BORN IN THE HOST COUNTRY

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Existence of national legislation establishing the right of children of migrants born in the host country to obtain identity documentation, in accordance with the guidelines and General Comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on the obligations of States relating to the human rights of children in the context of international migration in countries of origin, transit, destination and return.</p> <p>Existence of signed and ratified bilateral or multilateral agreements supporting mutual recognition of identity documents for children of migrants born in the host country.</p>	<p>Increased birth registration of migrant children and subsequent access to birth certificates, as quantified by the number of birth registrations of migrant children completed and the percentage of migrants gaining effective access to birth certificates.</p>	<p>Increased percentage of migrant children born in the host country who are properly registered at birth, as measured by official records and compared to previous data.</p>



3. SIMPLIFICATION OF ADMINISTRATIVE PROCESSES FOR OBTAINING DOCUMENTATION AND REMOVAL OF ACCESS BARRIERS TO DOCUMENTATION

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Existence of a national legal framework that simplifies the procedures related to obtaining identity documents and documentation for migrants with the aim of reducing the complexity and costs of the procedures.</p>	<p>Increased number of initiatives to reduce the costs and complexity of procedures for obtaining identity documents and documentation for migrants, as quantified by the increase in the number of initiatives implemented and their impact on simplifying procedures and reducing associated costs.</p> <p>Increased number of initiatives to address linguistic and cultural barriers to obtaining identity documents and proper documentation for migrants, as quantified by the increase in the number of initiatives implemented and their impact on overcoming identified barriers.</p> <p>Clear and accessible information on identification schemes for migrants at municipal level, including accessible formats for persons with disabilities, gender and age appropriate, verifiable by the availability of accessible and understandable information materials, the extent of information dissemination and feedback from migrants on the clarity and usefulness of the information provided.</p> <p>Increased number of awareness-raising and information campaigns targeting migrants on the importance of having identity documents and proper documentation, as measured by the number of campaigns conducted and the assessment of their reach and effectiveness in raising awareness among migrants.</p>	<p>Increased number of issuances of identity and travel documents and registration documents in a fast, efficient and accessible manner through physically and financially accessible means, as measured by the average processing time of applications and the availability of nearby and affordable issuance points.</p>



4. LEGAL PROTECTION FOR MIGRANTS WHOSE DOCUMENTATION HAS BEEN STOLEN OR DESTROYED

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Adoption of national legislation to ensure safe complaint mechanisms and access to justice regardless of the administrative status of the migrant.</p>	<p>Increased sanctions for the withholding or destruction of travel or identity documents by employers, recruiters, smugglers and/or traffickers, as assessed by the number of cases reported and the legal actions and sanctions imposed on offenders.</p> <p>Increased efficiency in the re-issuance of documentation to migrants who may have lost or had their documents stolen during their journey, including internally displaced persons, asylum seekers, victims and survivors of trafficking and smuggling of migrants, as well as any migrants using irregular pathways. This will be measured by the percentage of applications for replacement documents processed and delivered within a set timeframe, ensuring a swift and effective response to the needs of migrants in vulnerable situations.</p>	<p>Number of legal cases filed by migrants whose documentation has been stolen or destroyed.</p> <p>Percentage of applications for replacement documents processed and delivered within the established timeframe.</p> <p>Percentage of complaints resulting in legal action and sanctions imposed on offenders.</p>



OBJECTIVE 5.

ENHANCE AVAILABILITY AND FLEXIBILITY OF PATHWAYS FOR REGULAR MIGRATION

21. We commit to adapt options and pathways for regular migration in a manner that facilitates labour mobility and decent work reflecting demographic and labour market realities, optimizes education opportunities, upholds the right to family life, and responds to the needs of migrants in a situation of vulnerability, with a view to expanding and diversifying availability of pathways for safe, orderly and regular migration.

Every person has the right to move freely and to choose their residence within the territory of a State. This fundamental right enshrined in article 13 of the Universal Declaration of Human Rights certainly poses a challenge in the current context in which migration policies are being developed.

The safe, orderly and regular migration that the Compact seeks to promote requires policies framed within a human rights approach, leaving out any element that is not aligned with the instruments of international human rights law.

In this sense, safe pathways for regular migration must be multiplied exponentially in order to save lives and guarantee rights. Therefore, the indicators proposed to monitor the actions implemented by States seek to measure the impact on reducing the number of people who die in their migratory itinerary due to the lack of legal and safe pathways or to determine the number of people who can access legal and safe pathways for migration. Safe and flexible pathways for labour mobility that ensure full respect for the rights of migrant workers; the development of academic mobility options; the guarantee and expediting of family reunification procedures; or the opening of legal and safe pathways for humanitarian reasons with a broad perspective that can respond to people who are victims of hate crimes and/or discrimination and against the rights of workers and those in situations of particular vulnerability (survivors of sexual and gender-based violence, minors, people with health reasons, people displaced by natural disasters, people whose safety is at risk in case of return to their country of origin, among others).



BINDING CONTENT UNDER INTERNATIONAL HUMAN RIGHTS LAW

INTERNATIONAL TREATY OR CONVENTION	CONTENT
<i>Universal Declaration of Human Rights</i>	Art. 3 (right to life, liberty and security); Art. 13 (freedom of movement); Art. 16 (protection of the family); Art. 25 (right to an adequate standard of living)
<i>International Covenant on Civil and Political Rights</i>	Art. 12 (liberty of movement); Art. 13 (expulsion of aliens); Art. 23 (protection of the family)
<i>International Covenant on Economic, Social and Cultural Rights</i>	Art. 11 (right to an adequate standard of living)
<i>International Convention on the Elimination of All Forms of Racial Discrimination</i>	Art. 5 (right to move freely)
<i>Convention on the Elimination of All Forms of Discrimination against Women</i>	Arts. 2 and 3 (non-discrimination against women); Art. 6 (trafficking)
<i>Convention on the Rights of the Child</i>	Art. 10 (family reunification)
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i>	Art. 8 (free movement); Art. 9 (right to life); Art. 22 (collective expulsion); Art. 37 (information on admission to the State of employment); Art. 38 (authorisation to stay or work during temporary absences); Art. 39 (liberty of movement in the territory of the State of employment); Art. 44 (protection of the family); Arts. 49-51 (residence and work authorisations); Art. 56 (expulsion)
<i>Convention on the Rights of Persons with Disabilities</i>	Art. 11 (Situations of risk and humanitarian emergencies); Art. 18 (Liberty of movement and nationality)
<i>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime</i>	Art. 6 (Assistance to and protection of victims of trafficking in persons); Art. 8 (Repatriation of victims of trafficking in persons)
<i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</i>	Art. 3 (expulsion, refoulment or extradition)



PROPOSED INDICATORS

1. INCREASING SAFE PATHWAYS FOR REGULAR MIGRATION WITH A HUMAN RIGHTS APPROACH

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Signature of regional, bilateral and multilateral agreements on regular migration that provide guarantees for the protection of human rights and have a gender perspective, facilitating legal and safe pathways (such as visa liberalisation for visits, incorporation into jobs, job search, family reunification, resettlement of refugees, humanitarian activities, studies, internships, retirement and other purposes).</p> <p>Modification of national legislation making pathways for regular migration and application processes more flexible with a rights-based and gender-sensitive approach.</p> <p>Elimination of any gender-discriminatory provisions and any restrictions, prohibitions or exclusions in law and practice that limit opportunities to migrate, particularly for women and girls and other groups that may be discriminated against or vulnerable because of their gender identity or sexual orientation.</p> <p>Pathways for regular migration that offer opportunities for long-term residence and avoid supervening irregularity.</p>	<p>Human rights impact assessment of agreements and strategies to facilitate pathways for regular migration.</p> <p>Strengthening legal, policy and administrative mechanisms conducive to regular travel, admission and stay in the territory.</p> <p>Establishment of flexible mobility plans with a rights-based approach and a gender perspective to facilitate regular, safe, affordable and accessible migration for women and girls and other groups that may be discriminated against or vulnerable because of their gender identity or sexual orientation.</p> <p>Action plans that offer accompaniment, counselling and promote the inclusion of migrants to avoid situations that may lead to supervening irregularity.</p> <p>Incorporation of migrants' organisations and other competent social entities in the design and implementation processes of safe pathways for regular migration.</p>	<p>Reduced number of people who die on their migration route due to lack of safe and legal pathways.</p> <p>Reduced timeframes and processes to access legal and safe migration pathways.</p> <p>Percentage of visas granted (studies, family reunification, job search, etc.).</p> <p>Number of residence and work permits granted.</p> <p>Number of women, girls and people from groups that may be in a situation of discrimination or vulnerability due to their gender identity or sexual orientation who obtain residence and work permits.</p> <p>Number of long-term residence permits.</p> <p>Number of permanent residence permits.</p> <p>Percentage of decrease of cases of supervening irregularity.</p>



2. SAFE AND FLEXIBLE PATHWAYS FOR LABOUR MOBILITY THAT GUARANTEE FULL RESPECT FOR THE RIGHTS OF MIGRANT WORKERS

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Signature of bilateral, regional and multilateral agreements on migration and labour mobility that take into account the relevant standards, guidelines and principles of the International Labour Organization (ILO), in accordance with international human rights and labour law, in particular on the protection of migrant workers and their families, human trafficking, discrimination and exploitation.</p> <p>State strategies that promote flexible and accessible channels for regular labour migration and access to the formal labour market.</p> <p>Labour mobility plans with a gender perspective that promote equal opportunities and treatment.</p>	<p>Preparation of studies on demand and supply labour market needs in order to facilitate and reduce visa and permit processing times to guarantee the mobility of recruited labour based on the market through regular pathways.</p> <p>Programmes that facilitate visas and work permits that provide migrants with equal opportunities and access to the formal labour market.</p> <p>Development of temporary, seasonal, circular and accelerated employment programmes in sectors, offering, as an option, visas and permits that have flexibility, are convertible and do not discriminate, for example, those that allow permanent and temporary employment, or multiple entry visas for studies, business, visits, investments and entrepreneurship.</p> <p>Programmes that promote recruitment at origin, guaranteeing full respect for labour rights and decent working conditions.</p> <p>Abolition of the sponsorship system and other similar systems that link short-term workers to a single employer.</p> <p>Labour mobility programmes that incorporate protection guarantees for especially precarious and feminised employment sectors with a high impact on migratory movements, such as domestic employment and care.</p> <p>Incorporation of social agents: unions, migrant organisations, private sector and other relevant actors in the development of labour mobility plans and programmes.</p>	<p>Number of people who obtain work visas.</p> <p>Number of people who obtain work permits.</p> <p>Number of people recruited in the country of origin.</p> <p>Number of people with work permits linked to especially precarious and feminised employment sectors, such as home and care work, and type of authorisation.</p> <p>Estimated number of migrant workers without residence and work permits.</p>



3. EXPANDING ACADEMIC MOBILITY OPTIONS

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
Legislative measures to recognise the compatibility of work activities with study permits.	Expansion of the options available for academic mobility, including through bilateral and multilateral agreements facilitating academic exchanges, such as scholarships for students and university professionals, visiting professorships, joint training programmes and international research opportunities, in cooperation with academic institutions and other relevant stakeholders.	Number of study permits granted. Number of study permits with employment contracts granted.

4. GUARANTEEING AND EXPEDITING FAMILY REUNIFICATION PROCEDURES

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Incorporation of effective measures in migration legislation that guarantee the realisation of the right to family life and the best interests of minors.</p> <p>Gender-based analysis of family reunification policies.</p>	<p>Development of streamlined family reunification procedures with affordable requirements in relation to income, housing, language or duration of the stay.</p> <p>Family reunification procedures that include separate work permits and ensure equal access to health care and social services.</p> <p>Measures to facilitate the reunification of relatives in the ascending line.</p> <p>Programmes to accompany family reunification, with special protection for reunited children and young people.</p> <p>Measures to address migrant women's difficulties in reunification due to their position in the labour market and reunification models created on the basis of male standards (economic requirements and wage inequality, precariousness of feminised jobs, job instability leading to irregularity...).</p>	<p>Number of family reunification procedures granted, disaggregated by gender and type of family member.</p> <p>Number of migrant women reuniting.</p> <p>Recognition of separate residence and work permits for reunited family members.</p> <p>Percentage of decrease in the processing time of family reunification files.</p>



5. LEGAL AND SAFE PATHWAYS FOR HUMANITARIAN REASONS

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Regular human rights-based pathways for entry and stay for victims of crime and groups in vulnerable situations, enabling legal, political and administrative mechanisms that allow for regular travel, admission and stay in the territory of the State (regardless of whether the initial entry was regular or temporary).</p>	<p>Adoption of action plans to ensure special protection that include temporary work permits and access to education, health care and social services for victims of crime and vulnerable groups, among others:</p> <ul style="list-style-type: none"> • For victims of crime against workers' rights. • For victims of hate crimes or those in which there are aggravating circumstances due to racist motives or other types of discrimination based on the ideology, religion or beliefs of the victim; their ethnic group, race or the nation to which they belong; their gender or sexual orientation; or illness or disability. • For survivors of sexual and gender-based violence or other forms of exploitation. • For a serious illness requiring specialised health care that is not available in the country of origin, and which, if interrupted or not received, would pose a serious risk to health or life. • For persons and members of their families for whom their transfer to the country of origin is a danger to their safety or whose return is impossible for practical reasons, including lack of documentation. • For displaced persons who have had to leave their country or region of origin due to natural disasters and other precarious situations. 	<p>Number of residence and work permits granted on humanitarian grounds for victims of crimes against workers' rights.</p> <p>Number of residence and work permits granted on humanitarian grounds for victims of hate crimes or where there are aggravating circumstances on racist grounds, or other types of discrimination related to the ideology, religion or beliefs of the victim, their ethnic group, race or the nation to which they belong; their gender or sexual orientation; or an illness or disability they suffer from.</p> <p>Number of residence and work permits granted on humanitarian grounds for survivors of sexual and gender-based violence or other forms of exploitation.</p> <p>Number of residence and work permits granted on humanitarian grounds for a serious illness requiring specialised health care that is not available in the country of origin, and which, if interrupted or not received, would pose a serious risk to health or life.</p> <p>Number of residence and work permits granted on humanitarian grounds for those persons and their family members for whom the transfer to the country of origin is a danger to their safety or whose return is impossible for practical reasons, including lack of documentation.</p> <p>Number of residence and work permits granted on humanitarian grounds for displaced persons who have had to leave their country or region of origin due to natural disasters and other precarious situations.</p>



OBJECTIVE 6.

FACILITATE FAIR AND ETHICAL RECRUITMENT AND SAFEGUARD CONDITIONS THAT ENSURE DECENT WORK

22. We commit to review existing recruitment mechanisms to guarantee that they are fair and ethical, and to protect all migrant workers against all forms of exploitation and abuse in order to guarantee decent work and maximize the socioeconomic contributions of migrants in both their countries of origin and destination.

Objective 6, focused on facilitating fair and ethical recruitment and safeguarding conditions that guarantee decent work, seeks to ensure that fundamental principles and rights at work are applied to the field of labour migration. It is necessarily anchored in the international conventions that protect the right to work and, in particular, in the instruments developed within the framework of the International Labour Organization, and it must be translated into specific measures to guarantee decent work, equal treatment and non-discrimination in the work environments of migrant workers.

To achieve this objective, it is essential to put at the centre the workers in an irregular administrative situation who swell the underground economy and the policies articulated by the states to address this reality. Indicators that measure the weight of the informal economy among people in an irregular situation and those focused on the impact of policies to promote formalisation and regularisation should be pillars on which this objective is supported.

Additionally, indicators focused on the most feminised and precarious jobs in which migrant workers represent a high percentage must have particular weight in order to monitor policies aimed at avoiding any form of exploitation and abuse, including sexual and gender violence.

In the proposal we present, we highlight access to safe complaint mechanisms in cases of violation of human and labour rights, forced labour, discrimination or violence in work environments.

The monitoring of policies aimed at guaranteeing the health and occupational safety of workers, including those who are in an irregular administrative situation, and the legal recognition of trade union rights for migrant workers, as well as the promotion of their participation and their representative organisations in the spaces of collective bargaining and social dialogue, make it possible to measure the fulfilment of this objective.



BINDING CONTENT UNDER INTERNATIONAL HUMAN RIGHTS LAW

INTERNATIONAL TREATY OR CONVENTION

CONTENT

<i>Universal Declaration of Human Rights</i>	Art. 2 (non-discrimination); Art. 4 (slavery, servitude); Art. 5 (cruel, inhuman or degrading punishment or treatment); Art. 7 (equality before the law); Art. 8 (effective remedy by tribunals); Art. 16 (protection of the family); Art. 20 (right to freedom of assembly and association); Art. 23 (right to work); Art. 24 (right to rest); Art. 25 (right to an adequate standard of living)
<i>International Covenant on Civil and Political Rights</i>	Art. 7 (cruel, inhuman or degrading treatment); Art. 8 (slavery; servitude, forced labour); Art. 21 (right of assembly); Art. 22 (right to freedom of association and to form and join trade unions); Art. 26 (equality and non-discrimination)
<i>International Covenant on Economic, Social and Cultural Rights</i>	Art. 2 and 3 (commitment of States to guarantee equal rights, without discrimination); Art. 6 (right to work); Art. 7 (right to just conditions of work); Art. 8 (right to form and join trade unions); Art. 10 (child labour); Art. 11 (an adequate standard of living)
<i>International Convention on the Elimination of All Forms of Racial Discrimination</i>	Art. 1 and 2 (non-discrimination and exercise of equal rights); Art. 5 (right to non-discrimination in the field of employment and right to freedom of assembly and association)
<i>Convention on the Elimination of All Forms of Discrimination against Women</i>	Art. 2 and 3 (non-discrimination against women); Art. 11 (non-discrimination in the field of employment)
<i>Convention on the Rights of the Child</i>	Art. 32 (protection against economic exploitation)
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i>	Full text
<i>Convention on the Rights of Persons with Disabilities</i>	Art. 27 (right to non-discrimination in the field of employment)
<i>Convention Relating to the Status of Stateless Persons</i>	Article 17 (Wage-earning employment); Article 18 (Self-employment); Article 19 (Liberal professions); Article 24 (Labour legislation and social security)
<i>ILO conventions</i>	Among others: Migration for Employment Convention (No. 97), convention concerning migrations in abusive conditions and the promotion of equality of opportunity and treatment of migrant workers (No. 143), Migration for Employment Recommendation (No. 86), Migrant Workers Recommendation (No. 151), Forced Labour Convention (No. 29) and the Abolition of Forced Labour Convention (No. 105).



PROPOSED INDICATORS

1. SIGNATURE, RATIFICATION AND IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS RELATED TO INTERNATIONAL LABOUR MIGRATION, LABOUR RIGHTS, DECENT WORK AND THE ERADICATION OF FORCED LABOUR

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
Ratification and effective implementation of international instruments related to international labour migration, labour rights, decent work and the eradication of forced labour, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.	Incorporation into domestic legislation of the principles contained in human rights instruments related to labour migration.	

2. RECOGNITION OF EQUAL RIGHTS TO MIGRANT WORKERS, WITH SPECIFIC MEASURES TO ENSURE DECENT WORK, EQUAL TREATMENT AND NON-DISCRIMINATION IN THE WORKPLACE

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
Strengthening of the implementation of standards and policies to promote decent work and fair and ethical recruitment conditions in the governance of labour migration (fair wages, workplace safety, social protection, freedom to form and join trade unions and equal opportunity and treatment, among others).	<p>Percentage of public expenditure allocated to promoting the right to decent work for migrants.</p> <p>Collection and publication of regular statistics on working conditions of migrant workers, with disaggregated data.</p>	Proportion and frequency of inspections of enterprises in order to verify their compliance with labour standards, and proportion of inspections that have resulted in administrative measures or criminal prosecutions related to violations of migrant workers' labour rights.



STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Adoption and enforcement of laws that punish human and labour rights violations, especially in cases of forced labour and child labour.</p> <p>Public policies aimed at eradicating and investigating cases of forced labour, including those perpetrated against migrant workers, and criminally prosecuting perpetrators.</p> <p>Legislation and public policies that provide for equal treatment and non-discrimination in employment, incorporating in particular the protection and equalisation of labour rights, fair and equitable treatment of migrant workers that is no less favourable than that accorded to nationals of the State in terms of remuneration and other conditions of work, and equal access to social security benefits.</p> <p>Appropriate measures to ensure that migrant workers are not deprived of any of these rights because of irregularities in their stay or employment. In particular, public and private employers and employment agencies shall not be relieved of any legal or contractual obligations, nor shall their obligations be limited in any way because of any irregularity.</p> <p>Legislation that sanctions discrimination in the workplace, including on the basis of nationality and migration or residence status.</p>	<p>Comprehensive protection programmes for migrant victims of forced labour/labour exploitation, including through regularisation and access to justice.</p> <p>Effective regulation and monitoring of the recruitment sector through increased labour inspections aimed at preventing situations of forced labour, wage discrimination, labour discrimination, abuse and exploitation.</p> <p>Partnerships with the private sector, including employers, recruiters, subcontractors and suppliers, to promote the conditions required for decent work, prevent abuse and exploitation, and ensure equal treatment in recruitment and employment processes.</p> <p>Number of programmes aimed at combating discrimination against migrant women workers in the workplace.</p> <p>Number of awareness-raising programmes on labour rights compliance in migrant communities.</p> <p>Funding for civil society organisations working to improve the enjoyment of the right to decent work for all without discrimination.</p>	<p>Percentage of migrant workers in total cases of forced labour/labour exploitation, disaggregated.</p> <p>Percentage of migrant children in total cases of forced labour/labour exploitation, disaggregated.</p> <p>Number of migrant victims of forced labour/labour exploitation who regularise their migration or residence status.</p> <p>Decrease in cases of forced labour/labour exploitation, identifying the percentage of migrants.</p>



3. MIGRANTS' ACCESS TO EMPLOYMENT

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Measures aimed at removing legal or practical obstacles to migrants' access to employment, including regularisation programmes, which prevent work in the informal economy without recognition of rights.</p> <p>The legislation includes the use of information firewalls, so that the labour inspectorate, labour authorities and judicial bodies will not be able to share data on the administrative status of persons for the purpose of control and sanction by migration authorities.</p>	<p>Number of programmes aimed at facilitating migrants' access to the labour market.</p> <p>Number of programmes aimed at reducing informal work by promoting the recruitment and registration of irregular migrant workers.</p> <p>Number of programmes aimed at encouraging the recruitment of migrant workers.</p> <p>Employment training programmes that facilitate the recruitment of migrants.</p>	<p>Disaggregated data indicating the percentage of migrant workers in the informal economy.</p> <p>Number of migrants regularising their status through the establishment of an employment relationship.</p> <p>Number of migrant workers entering formal employment from the informal economy.</p> <p>Employment rate and unemployment rate of migrant workers compared to nationals.</p> <p>Proportion of migrants who have access to public vocational training programmes.</p>

4. FEMINISED EMPLOYMENT

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Legislation for the formalisation, professionalisation, adequate remuneration and guarantee of decent conditions for the most precarious and especially feminised jobs such as care, cleaning, agricultural and domestic work.</p> <p>In relation to domestic work, ratification and implementation of ILO Convention No. 189.</p>	<p>Number of programmes and actions implemented to prevent all forms of exploitation and abuse, including sexual and gender-based violence of migrant women workers, especially in domestic and care work, and particularly in the internal regime, and other particularly feminised occupations.</p>	<p>Percentage of migrant domestic women workers who have access to formalised employment contracts and adequate labour protection. Data disaggregated by employment status (external/internal).</p> <p>Percentage of migrant agricultural women workers with access to formalised employment contracts and adequate labour protection.</p>



5. COMPLAINT MECHANISMS

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Legislation that ensures safe access to justice for migrant workers, regardless of their migration and residence status, in cases of complaints of labour rights violations or employment discrimination.</p> <p>Measures to facilitate access for migrant workers, regardless of their administrative status, to effective complaint and redress mechanisms, in a language they understand, including free legal aid in labour proceedings.</p>	<p>Creation of accessible mechanisms for the filing of complaints or claims concerning labour rights violations or discrimination in employment of migrant workers, regardless of their migration or residence status.</p> <p>Effective safe complaint mechanisms for irregular migrant workers in case of exploitation, abuse or violations of their rights in the workplace.</p> <p>Proportion of complaints received concerning migrants' right to decent work, including those related to fair and safe working conditions, investigated and resolved by labour courts, ombudsman offices or others.</p>	<p>Percentage of migrant workers who have reported cases of violations of their human and labour rights, such as forced labour or labour exploitation, discrimination, violence or illegal termination of employment.</p> <p>Number of migrant workers in an irregular situation who safely report violations of their rights in the workplace.</p>

6. OCCUPATIONAL SAFETY AND HEALTH

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Policies aimed at ensuring the occupational health and safety of workers, including those with irregular administrative status.</p> <p>Social protection legislation and acquired benefits aimed at protecting migrant workers in the event of work-related accidents and diseases, irrespective of their migration or residence status.</p>	<p>Programmes aimed at ensuring migrant workers' access to administrative and judicial procedures in case of occupational accidents or diseases.</p>	<p>Proportion of accidents suffered by migrant workers at work compared to the total, disaggregated.</p> <p>Proportion of deaths of migrant workers caused by accidents at work compared to the number of nationals.</p> <p>Proportion of migrant workers filing claims for accidents at work.</p>



7. REPRESENTATION AND PARTICIPATION OF MIGRANT WORKERS IN COLLECTIVE BARGAINING AND SOCIAL DIALOGUE

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Legal recognition of trade union rights for migrant workers, irrespective of their migration or residence status.</p>	<p>Programmes aimed at ensuring the protection of workers' rights, in particular freedom to form and join trade unions.</p> <p>Measures to promote the participation of migrant workers in social dialogue, with recognition of representative associations.</p> <p>Inclusion of migrant workers' rights in collective agreements.</p> <p>Number of programmes aimed at promoting the unionisation of migrant workers.</p>	<p>Trade union membership rates in different sectors of the population, including migrants, compared to the overall membership figure, disaggregated.</p> <p>Number of migrant trade union members involved in collective bargaining, particularly in economic sectors where they are more present or where conditions are traditionally more precarious.</p>



OBJECTIVE 10.

PREVENT, COMBAT AND ERADICATE TRAFFICKING IN PERSONS IN THE CONTEXT OF INTERNATIONAL MIGRATION

26. We commit to take legislative or other measures to prevent, combat and eradicate trafficking in persons in the context of international migration by strengthening capacities and international cooperation to investigate, prosecute and penalize trafficking in persons, discouraging demand that fosters exploitation leading to trafficking, and ending impunity of trafficking networks. We further commit to enhance the identification and protection of, and assistance to, migrants who have become victims of trafficking, paying particular attention to women and children.

To monitor “OBJECTIVE 10. Prevent, combat and eradicate trafficking in persons in the context of international migration”, it is particularly useful to refer to the CEDAW’s General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, which highlights the obligations of States parties to combat all forms of trafficking, as set out in Article 6 of the Convention, in the context of global migration. This text highlights that trafficking routes often run parallel to mixed migration flows, notes the particular vulnerability of women and girls who are subject to smuggling to becoming victims of trafficking, and underlines the conditions created by restrictive migration and asylum regimes that push migrants into irregular pathways.

This Recommendation thus marks two essential axes for combating trafficking in the context of global migration and for effectively protecting its victims: firstly, the necessary incorporation of a gender and intersectional perspective in all actions undertaken to address a crime whose analysis reveals that its root causes lie in gender discrimination. This includes inaction in the face of prevailing economic and patriarchal structures and the negative and gender-differentiated consequences of the labour, migration and asylum regimes of States parties that create the situations of vulnerability conducive to trafficking in women and girls.

Secondly, the consideration of the determinant impact of the above-mentioned restrictive migration and asylum regimes that push migrants into irregular pathways.

Thus, the indicators we propose seek to measure the alignment of policies on gender equality, criminal justice, human trafficking, migration governance and sustainable development in all the actions deployed, particularly those aimed at providing assistance and protection for people, especially women and girls, who are victims of trafficking.

Regarding victims’ access to justice, all victims must be included, regardless of their migration status, facilitating their access to the possibility of reporting without fear of being detained, deported or punished, while guaranteeing redress and compensation, in accordance with international law.

In the area of training, information and awareness-raising and the evaluation of public policies, we include indicators that incorporate a gender and intersectional approach to monitor the measures adopted.



BINDING CONTENT UNDER INTERNATIONAL HUMAN RIGHTS LAW

INTERNATIONAL TREATY OR CONVENTION	CONTENT
<i>Universal Declaration of Human Rights</i>	Art. 7 (equality before the law); Art. 10 (access to independent tribunals)
<i>International Covenant on Civil and Political Rights</i>	Art. 14 (right to effective judicial protection)
<i>International Convention on the Elimination of All Forms of Racial Discrimination</i>	Art. 5 (non-discriminatory access to justice); Art.6 (effective protection and remedies through tribunals)
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i>	Art. 18 (equality before the courts)
<i>International Convention for the Protection of All Persons from Enforced Disappearance</i>	Art. 12 (right to file a complaint and protection of complainants)
<i>United Nations Convention against Transnational Organized Crime</i>	Full text
<i>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime</i>	Full text
<i>Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organized Crime</i>	Full text
<i>Convention Relating to the Status of Refugees</i>	Art. 16 (right to effective judicial protection)
<i>Convention Relating to the Status of Stateless Persons</i>	Art. 16 (right to effective judicial protection)
<i>International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29) and its 2014 Protocol</i>	Full text
<i>ILO Worst Forms of Child Labour Convention, 1999 (No. 182)</i>	Full text
<i>United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949</i>	Full text



PROPOSED INDICATORS

1. SIGNATURE, RATIFICATION AND IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Signature and ratification of the main international conventions to combat trafficking and exploitation in persons, especially women and girls.</p> <p>Signature of bilateral, regional and inter-regional cooperation agreements on prevention and to investigate and prosecute perpetrators and to identify, protect and assist victims of trafficking.</p>	<p>Incorporation into domestic legislation of the principles contained in human rights instruments to combat trafficking and exploitation of persons, especially women and girls.</p>	

2. ASSISTANCE AND PROTECTION FOR PERSONS, ESPECIALLY WOMEN AND GIRLS, WHO ARE VICTIMS OF TRAFFICKING

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Alignment of policies on gender equality, criminal justice, trafficking in persons, migration governance and sustainable development with the adoption of specific legislation against trafficking and exploitation of human beings with a focus on prevention and protection of victims and survivors of trafficking without criminalising and detaining them, through the implementation of the UN Committee on the Elimination of Discrimination against Women (UN CEDAW) General recommendation No. 38 on trafficking in women and girls in the context of global migration.</p>	<p>Development of programmes, with sufficient budget to implement the measures contained in General recommendation No. 38 of the UN Committee on the Elimination of Discrimination against Women (UN CEDAW) on trafficking in women and girls and in the UN Global Plan of Action to Combat Trafficking in Persons in the Context of Global Migration regarding assistance and protection for women and girls who are victims of trafficking.</p> <p>The provision of up-to-date information on their rights, the possibility of being identified as victims of trafficking, the possibility of applying for asylum, etc. to persons arriving in border areas is ensured.</p>	<p>Number of persons who are provided with up-to-date information on their rights, the possibility of being identified as victims of trafficking, the possibility of applying for asylum, etc. upon arrival to border areas.</p> <p>Number of cases where migrants are offered protection through special visas or other protection measures for victims of trafficking and forced labour.</p>



STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Enforcement of the measures contained in the UN Global Plan of Action to Combat Trafficking in Persons and taking into account the relevant recommendations of the United Nations Office on Drugs and Crime (UNODC) Toolkit to Combat Trafficking in Persons.</p> <p>Legislation to prevent the sexual exploitation of women through control and abuse or by taking advantage of situations of superiority, need or vulnerability of the victims.</p>	<p>Timely access to permanent residence permits is provided to migrant women who are at risk of being subject to trafficking or are victims or survivors of trafficking.</p> <p>Access to essential services, including health, justice and social services, is provided to women and girls and transgender and gender nonconforming migrants who have been victims of trafficking and/or are survivors of sexual or gender-based violence.</p> <p>Accessible care facilities and specific resources are available to migrant women and girls who are survivors of trafficking.</p> <p>Programmes that provide gender-sensitive protection and support to survivors of trafficking in countries of origin, transit and destination, including:</p> <ul style="list-style-type: none"> • Physical protection. • Psychosocial support. • Trauma counselling. • Access to justice. • Legal counselling. • Comprehensive health care including sexual and reproductive health care. <p>Targeted, long-term, gender-sensitive support for reintegration and rehabilitation is provided, including through income-generating activities, vocational training, employment assistance and financial compensation.</p> <p>Meaningful participation of women in trafficking prevention, return, rehabilitation and reintegration efforts is promoted.</p> <p>Protection measures also take into account the best interests of the child in the case of victims who are minors and take protective measures appropriate to their age, maturity and personal situation.</p>	<p>Number of victims or survivors of trafficking accessing essential services and social protection.</p> <p>Number of victims or survivors of trafficking in accessible care facilities and specific resources.</p> <p>Number of victims or survivors of trafficking receiving targeted, gender-sensitive, long-term reintegration and rehabilitation support.</p> <p>Number of victims of child trafficking who receive protection appropriate to their age, maturity and personal situation.</p>



3. VICTIMS' ACCESS TO JUSTICE

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Public policies to combat human trafficking and sexual exploitation, in particular with regard to victim identification procedures and simplification of procedures for access to justice, and strengthening of support for women who are victims of trafficking.</p> <p>Enactment of measures that address the particular vulnerabilities of women, men, girls and boys who have become or are at risk of becoming victims of trafficking and other forms of exploitation, regardless of their migration status, by facilitating their access to justice and the possibility to report without fear of being detained, deported or punished, including redress and compensation procedures, in accordance with international law.</p> <p>Regulatory development to ensure that judicial procedures are gender-sensitive.</p> <p>Strengthening of relevant legislation and procedures to improve prosecution of traffickers, to prevent criminalisation of migrant victims for trafficking-related offences, and to ensure that victims receive adequate protection and assistance without being required to cooperate with the authorities against suspected traffickers.</p>	<p>Standard operating procedures on identification and referral of victims of trafficking are in place with appropriate non-discriminatory measures to identify victims of trafficking among vulnerable populations.</p> <p>Development of programmes, with sufficient budget, to implement the measures contained in General recommendation No. 38 of the UN Committee on the Elimination of Discrimination against Women (UN CEDAW) on trafficking in women and girls in the context of global migration with regard to the victims' access to justice:</p> <ul style="list-style-type: none"> • Appropriate legal redress is provided for survivors of trafficking, including when prosecution is initiated in the country of detection. • The privacy and identity of victims of trafficking and their safety is ensured throughout all criminal proceedings, and family members and witnesses are protected, as appropriate, from reprisals by traffickers, ensuring their safety in accordance with articles 24 and 25 of the Convention. • Traffickers and perpetrators of related crimes are prosecuted and punished in a timely manner. 	<p>Number of victims and survivors of trafficking identified.</p> <p>Number of persons and survivors of trafficking accessing justice and safe reporting.</p> <p>Increased number of prosecutions of trafficking, labour exploitation and forced labour cases involving migrants.</p>



4. TRAINING

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
Public officials are trained on culturally appropriate and gender-sensitive approaches to identifying and supporting migrant survivors of trafficking.	Number of capacity building training programmes for the early detection of victims of trafficking for police and border personnel, immigration and asylum authorities, labour inspectors, social workers and health professionals.	Number of public officials trained in culturally appropriate and gender-sensitive approaches to identifying and supporting migrant women and girls who are survivors of trafficking.

5. INFORMATION AND AWARENESS-RAISING

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
Information and awareness-raising programmes in formats accessible to migrants on the prevention and reporting of trafficking activities.	Number of gender-sensitive pieces of information and awareness-raising activities that inform about the risk of trafficking, promote safe migration alternatives and encourage reporting and self-reporting of trafficking cases.	<p>Number of migrants receiving information on prevention and reporting of trafficking activities.</p> <p>Number of migrant organisations involved in the development and dissemination of awareness-raising campaigns.</p>

6. POLICY EVALUATION

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
Impact assessment of laws and policies, including access to current visa regimes, to ensure that they do not facilitate or result in the trafficking of migrants, especially women and girls.	Collection, analysis and dissemination of sex and age disaggregated data on trafficking, including scope, forms of exploitation, causes and consequences.	<p>Number of reports and studies conducted on the impact of anti-trafficking laws and policies.</p> <p>Statistical systems developed to systematise data.</p> <p>Data dissemination channels enabled.</p>



OBJECTIVE 11.

MANAGE BORDERS IN AN INTEGRATED, SECURE AND COORDINATED MANNER

27. We commit to manage our national borders in a coordinated manner, promoting bilateral and regional cooperation, ensuring security for States, communities and migrants, and facilitating safe and regular cross-border movements of people while preventing irregular migration. We further commit to implement border management policies that respect national sovereignty, the rule of law, obligations under international law, and the human rights of all migrants, regardless of their migration status, and are non-discriminatory, gender-responsive and child-sensitive.

This objective also requires a broad interpretation based on the universal principles of human rights. A review of international treaties and conventions, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, shows that border management has a profound bearing on rights such as the right to life and the right to freedom of movement. This objective must therefore be understood as a commitment to manage borders in a way that respects and protects the human rights of all people, regardless of their migration status.

In this context, the indicators proposed for Objective 11 seek to reflect the need to adopt a comprehensive and human rights-sensitive approach to border management. These indicators range from the review of readmission agreements to ensure their conformity with international human rights standards to the suspension of practices that criminalise irregular migration. The aim is to remove barriers that limit the movement of migrants and, at the same time, to ensure gender equality throughout the process. In addition, in the case of refoulement, it promotes the need to take such a decision in a rigorous and fair manner, providing legal representation and considering the perspectives of the people affected. All of this is aimed at reducing tragedies along migration routes and ensuring that border management policies are evidence-based and sensitive to the specific needs of different groups, including vulnerable migrant women and victims of trafficking.



BINDING CONTENT UNDER INTERNATIONAL HUMAN RIGHTS LAW

INTERNATIONAL TREATY OR CONVENTION	CONTENT
<i>Universal Declaration of Human Rights</i>	Art. 3 (right to life); Art. 13 (right to leave the country and return to it)
<i>International Covenant on Civil and Political Rights</i>	Art. 6 (right to life); Art. 10 (right of detainees to be treated with humanity); Art. 12 (right to freely leave and enter a territory)
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i>	Art. 8 (right to migrate); Art. 9 (right to life); Art. 22 (prohibition of collective expulsions and right to individual review of expulsion files); Art. 79 (right of States to establish the criteria governing admission of migrant workers)
<i>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime</i>	Art. 6 (assistance to and protection of victims of trafficking in persons); Art. 10 (cooperation between States to combat trafficking); Art. 11 (border controls to detect and prevent trafficking)
<i>Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organized Crime</i>	Art. 9 (right to safety and humane treatment); Art. 11 (border controls to detect and prevent trafficking); Art. 16 (right to adequate protection and assistance measures)
<i>United Nations Convention on the Law of the Sea</i>	Art. 98 (duty to render assistance)
<i>International Convention on the Elimination of All Forms of Racial Discrimination</i>	Art. 5 (non-discrimination in the right to enter and leave the country)
<i>Convention on the Rights of Persons with Disabilities</i>	Art. 18 (right to liberty of movement)
<i>Convention Relating to the Status of Refugees</i>	Art. 26 (right to freedom of movement)
<i>Convention Relating to the Status of Stateless Persons</i>	Art. 26 (right to freedom of movement)



PROPOSED INDICATORS

1. BORDER MANAGEMENT ACCOUNTABLE AND RESPECTFUL OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Review and modification of bilateral and regional readmission agreements to ensure their conformity with international human rights standards, thereby protecting the needs and rights of migrants.</p> <p>Suppression of any form of international cooperation on migration policies that externalises border control and restricts the movement of migrants, ensuring that any international cooperation on migration policies strengthens national human rights systems and institutions in countries of origin and transit.</p> <p>Revocation of laws, policies and practices that classify irregular migration as a criminal offence, replacing them with laws and regulations that make entry without proper documentation an administrative rather than a criminal offence.</p>	<p>Analysis of gender-disaggregated data to identify specific patterns and needs of migrant women in border management, thus informing the implementation of appropriate gender-sensitive policies and programmes.</p> <p>Collection and analysis of disaggregated data on all aspects of border management, including refoulement of migrants, to improve evidence-based decision-making.</p>	<p>Decrease of deaths and injuries on various migration routes, including sea crossings, desert areas, jungle areas, overcoming physical obstacles such as walls, barbed wire fences and other hazards, which may cause maiming, loss of life or serious physical/emotional harm during migration. This is measured by monitoring reports on fatal incidents and injuries on migration routes by specialised agencies.</p> <p>Reduction in the number of direct refoulements, ensuring that proper procedures and the rights of migrants are respected.</p>



2. INDIVIDUALISED IDENTIFICATION OF SITUATIONS OF PARTICULAR VULNERABILITY AND PRINCIPLE OF NON-REFOULEMENT

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Effective incorporation of a gender-sensitive perspective in the review and modification of readmission agreements, as well as in the assessment of the corresponding cases, considering the specific needs and rights of migrants in situations of vulnerability, including due to being victims of trafficking in persons or gender-based violence or due to their sexual orientation.</p>	<p>Suspension of “hot” refoulement operations and collective expulsions, ensuring an individualised and human rights-based approach.</p> <p>Conducting assessments of the protection needs of migrants arriving at international borders, complemented by adequate protection measures.</p> <p>Implementation of a rigorous procedure for refoulement decisions, ensuring that all migrants are provided with adequate representation, access to legal assistance and interpretation services. In addition, it is ensured that they have the opportunity to present their perspectives on how refoulement might affect their rights.</p> <p>Increased number of training programmes for border personnel in gender-sensitive vulnerability screening, particularly in the identification and care of vulnerable migrant women, victims of trafficking in persons, victims of gender-based violence or vulnerable persons due to their sexual orientation.</p>	<p>Decrease in the percentage of refoulement cases that have resulted in violations of migrants’ human rights, as measured by the decrease in the number of reported incidents of rights violations in the refoulement process.</p> <p>Proportion of border personnel duly trained in gender-sensitive and population-specific vulnerability screening programmes in relation to the total number of border personnel eligible for training. Personnel who have successfully completed the training programme and demonstrate an understanding of the identification and care of vulnerable migrant women, victims of trafficking, victims of gender-based violence and situations related to sexual orientation will be considered duly trained.</p>



3. UNACCOMPANIED MINORS

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Number of specific bilateral and regional agreements for the protection of the rights of migrant and unaccompanied minors.</p> <p>Existence of policies and programmes promoting the reunification of unaccompanied migrant minors with their families, where possible.</p>	<p>Proportion of unaccompanied migrant minors who receive adequate counselling and psychological support during the migration process.</p> <p>Extent of training of staff of migration authorities in the identification and care of unaccompanied migrant minors.</p> <p>Specific programmes and measures, with the cooperation of countries of origin, transit and destination, aimed at reducing the exposure of migrant minors to situations of exploitation and violence during their journey.</p>	<p>Percentage of unaccompanied migrant minors who have been safely reunited with their families or guardians.</p> <p>Number of unaccompanied migrant minors who have obtained legal protection or asylum status in the country of destination.</p> <p>Number of unaccompanied migrant children who have accessed quality education and health services in the country of destination.</p>



OBJECTIVE 13.

USE IMMIGRATION DETENTION ONLY AS A MEASURE OF LAST RESORT AND WORK TOWARDS ALTERNATIVES

29. We commit to ensure that any detention in the context of international migration follows due process, is non-arbitrary, is based on law, necessity, proportionality and individual assessments, is carried out by authorized officials and is for the shortest possible period of time, irrespective of whether detention occurs at the moment of entry, in transit or in proceedings of return, and regardless of the type of place the detention occurs. We further commit to prioritize non-custodial alternatives to detention that are in line with international law, and to take a human rights-based approach to any detention of migrants, using detention as a measure of last resort only.

This objective urges us to reflect on the detention of migrants, proposing an approach that goes beyond the actions set out in the Global Compact on Migration to question detention as a measure of last resort and explore more humane and just alternatives. This objective is supported by strong international legal foundations, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The binding content of international treaties and conventions clearly establishes the prohibition of arbitrary detention, in line with the spirit of this objective. In addition, the proposed indicators provide a guide to assess progress in implementing policies and practices that prioritise alternatives to detention. From the ratification of the Optional Protocol to the Convention against Torture to the creation of alternatives to detention, this objective seeks to ensure that the human rights of all migrants are respected, especially the most vulnerable groups, such as minors, pregnant women, persons with disabilities and LGBTQ+ persons.

The path towards the realisation of this goal is complex but crucial, as it implies a profound transformation in the way we approach migration. By promoting alternatives to detention and ensuring equitable access to support services, we are not only fulfilling our international commitments, but also building a world that is more inclusive and respectful of the dignity of all people, regardless of their origin or migration status. This goal calls on us to rethink and redefine our policies and actions to achieve a future in which migration is treated with humanity and justice.



BINDING CONTENT UNDER INTERNATIONAL HUMAN RIGHTS LAW

INTERNATIONAL TREATY OR CONVENTION	CONTENT
<i>Universal Declaration of Human Rights</i>	Art. 9 (prohibition of arbitrary detention)
<i>International Covenant on Civil and Political Rights</i>	Art. 9 (prohibition of arbitrary detention)
<i>Convention on the Rights of the Child</i>	Art. 37 (prohibition of arbitrary detention)
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i>	Art. 16 (prohibition of arbitrary detention)
<i>International Convention for the Protection of All Persons from Enforced Disappearance</i>	Full Text
<i>Convention Relating to the Status of Refugees</i>	Art. 31 (non-imposition of criminal sanctions due to illegal entry or stay)
<i>Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organized Crime</i>	Art. 5 (no criminal prosecution for having been subject to smuggling)



PROPOSED INDICATORS

1. ENSURING THAT ANY DETENTION IN THE CONTEXT OF INTERNATIONAL MIGRATION COMPLIES WITH DUE PROCESS, IS NOT ARBITRARY, AND IS BASED ON LAW, NECESSITY, PROPORTIONALITY AND INDIVIDUAL ASSESSMENT

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Ratification of the Optional Protocol to the Convention against Torture.</p> <p>Adoption of national legislation establishing detention of migrants as a measure of last resort, limiting its use to exceptional situations and ensuring effective alternatives to detention.</p> <p>Elimination of all forms of detention of migrant minors and their families based on the residency status of the minors or their parents.</p>	<p>Increased automatic review and judicial review of all detention orders issued against migrants.</p> <p>Facilitation of access to consular assistance, legal representation and family notification for detained migrants through the existence and enactment of policies and procedures that streamline and ensure the availability of resources for these crucial services.</p> <p>Increased effective training programmes for law enforcement officials on human rights and the proper treatment of migrants, including training on the detection of trafficking in persons and the protection of migrant victims of trafficking.</p>	<p>Decrease in the number of detentions of migrants.</p> <p>Percentage of detained migrants who are able to access consular assistance and legal representation during their detention procedures. This is calculated by dividing the number of detainees who received consular assistance and legal representation by the total number of detainees.</p> <p>Percentage of detention facilities in which migrant minors are not held, indicating the effective implementation of alternative care and protection measures for this vulnerable population.</p> <p>Significant decrease in the number of migrant women in detention, especially those facing risks of gender-based violence, through the implementation of safe and effective alternatives to detention, including access to medical and mental health care services, legal counselling, social assistance and protection from trafficking and exploitation.</p>



2. RESPECT OF THE RIGHTS OF MIGRANTS IN DETENTION CENTRES

INDICADORES DE ESTRUCTURA	PROCESS INDICATORS	INDICADORES DE RESULTADO
<p>Adoption of national preventive mechanisms responsible for visiting all places where persons are deprived of liberty, including migrant detention centres, on the part of the countries.</p>	<p>Involvement of civil society and non-governmental organisations in supervising and monitoring the detention of migrants, as well as in promoting alternatives to detention, as measured by qualitative indicators such as the number of reports and recommendations submitted, the number of visits made to detention centres, and the implementation of human rights awareness-raising and training programmes in collaboration with these organisations.</p> <p>Transparency in the detention of migrants, as measured by the regular publication of data on the number of persons detained, the conditions of detention and the reasons for detention, through the availability of accurate and up-to-date information on the detention of migrants.</p> <p>The effective implementation of mechanisms to ensure access to due process and independent judicial review in detention procedures is assessed through quantitative and qualitative measures. This encompasses shortening judicial review timeframes, expediting review stages, as well as ensuring fair processes. The measurement includes quantifying the reduction of timeframes and the time between filing and resolution of cases, as well as considering the fairness of the process and detainees' perception of their justice.</p> <p>Strengthening of protection and care mechanisms for LGBTQ+ persons in a situation of migration through the implementation of inclusive policies and programmes, effective access to quality health and psychosocial care services, and the establishment of support networks. Measurement is based on the quantity and quality of policies implemented, the level of access to and use of health and psychosocial care services, as well as the effectiveness in expanding support networks.</p> <p>Supervision and care by female personnel in women's detention situations, as measured by the percentage of facilities with trained female personnel and the frequency of interactions and services provided by them. In addition, feedback from female detainees on the quality and sensitivity of care provided is considered, reflecting a commitment to ensuring a safe and respectful environment in detention situations for women.</p>	<p>Regular independent consultation and monitoring of detention facilities by international human rights institutions and civil society organisations, as measured by an increase in the number of independent visits and assessments conducted to detention facilities.</p> <p>Percentage of facilities that meet safety and accessibility standards and are gender-sensitive, and that include menstrual hygiene materials and sexual and reproductive health services. In addition, the effectiveness of the maintenance and ongoing upgrading of these facilities is assessed, as well as beneficiaries' perceptions of their usefulness and quality.</p>



3. ALTERNATIVES TO DETENTION

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Implementation of laws, policies and procedures that protect the family and recognise diverse family forms, prioritising non-custodial alternatives to detention.</p>	<p>Creation and expansion of alternatives to detention, such as release on bail or bond, periodic registration or notification, assignment to a specific residence, community support or case management, among other measures that respect the human rights of migrants and refugees.</p> <p>Alternatives to detention for all migrants, particularly those with special protection needs, including but not limited to pregnant women, children and adolescents, elderly people, LGBTIQ+, migrants with disabilities, survivors of torture or trauma, migrants with physical or mental health needs, persons subject to trafficking, survivors of sexual and gender-based violence and stateless persons, as measured by the number and quality of cases in which alternatives are opted for, ensuring protection, services and care appropriate to the individual needs of each group.</p>	<p>Increased percentage of migrants who are applied non-custodial measures instead of detention.</p> <p>Increased percentage of vulnerable migrants identified and provided with alternatives to detention, including those with medical needs, victims of violence, asylum seekers, unaccompanied minors and their families, pregnant women, elderly people and persons with disabilities.</p>

4. DETENTION OF MINORS

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Existence of a legal framework prohibiting the detention of migrant minors.</p> <p>Establishment of adequate care facilities for migrant minors, such as reception centres, foster homes or foster families, for migrant minors in lieu of detention.</p>	<p>Implementation of procedures for the identification and protection of unaccompanied migrant minors, in accordance with international human rights law.</p>	<p>Number of migrant minors released and reunited with their families, where appropriate.</p> <p>Welfare and development index of migrant minors released from detention.</p> <p>Decrease in the number of migrant minors in detention as a result of the implementation of alternatives and the protection of their rights.</p>



OBJECTIVE 15. PROVIDE ACCESS TO BASIC SERVICES FOR MIGRANTS

31. We commit to ensure that all migrants, regardless of their migration status, can exercise their human rights through safe access to basic services. We further commit to strengthen migrant-inclusive service delivery systems, notwithstanding that nationals and regular migrants may be entitled to more comprehensive service provision, while ensuring that any differential treatment must be based on law, be proportionate and pursue a legitimate aim, in accordance with international human rights law.

The Global Compact on Migration does not list what these services are – it only refers to health care and education among the actions – and in any case recognises the possibility of different levels of access depending on migration status. However, this objective is directly linked to the right to an adequate standard of living as set out in the main international human rights instruments. In addition to the aforementioned health and education, this right includes access to housing, food, clothing and a constant improvement of material conditions.

With this in mind, this objective must be interpreted broadly to include access to the different services and rights necessary to guarantee a dignified existence. Furthermore, as the United Nations Committee on Economic, Social and Cultural Rights has pointed out in its various General Comments, the minimum content of these rights implies guaranteeing access without discrimination to the most vulnerable groups in society.¹¹ In the specific case of the right to health, the Committee itself specifies migrants in an irregular administrative situation among these groups.¹²

On the other hand, it should not be forgotten, even taking into account the principle of progressive implementation that governs all economic and social rights, that the realisation of access to these services by migrants requires not only legal recognition by the State, but also the elimination of the different barriers of a physical, economic, or language nature or regarding access to information or cultural adaptation that hinder their effective enjoyment.

¹⁰. General Comment No. 4: The Right to Adequate Housing. ¹³; General Comment No. 12: The Right to Adequate Food. ²⁸; General Comment No. 13: The Right to Education.⁶ (b).

¹¹. General Comment No. 14: The Right to the Highest Attainable Standard of Health. ³⁴.



BINDING CONTENT UNDER INTERNATIONAL HUMAN RIGHTS LAW

INTERNATIONAL TREATY OR CONVENTION	CONTENT
<i>Universal Declaration of Human Rights</i>	Art. 22 (right to social security and the enjoyment of economic, social and cultural rights); Art. 25 (right to an adequate standard of living); Art. 26 (right to education)
<i>International Covenant on Economic, Social and Cultural Rights</i>	Art. 11 (right to an adequate standard of living); Art. 12 (right to the enjoyment of the highest attainable standard of physical and mental health); Art. 13 (right to education); Art. 14 (free education)
<i>International Convention on the Elimination of All Forms of Racial Discrimination</i>	Art. 5 (eliminate discrimination in access to health care and in access to vocational education and training)
<i>Convention on the Elimination of All Forms of Discrimination against Women, CEDAW</i>	Art. 10 (non-discrimination in access to education), Art. 12 (non-discrimination in health care); Art. 14 (measures for access to economic and social rights for women in rural areas)
<i>Convention on the Rights of the Child</i>	Art. 24 (right to the enjoyment of the highest attainable standard of physical and mental health); Art. 28 (right to education)
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i>	Art. 28 (right to urgent medical care, regardless of the administrative status); Art. 30 (right to education regardless of the administrative status); Art. 43 (right to equality of treatment in the access to education, social and health services and housing); Art. 45 (right of access to education and social and health services for family members of migrant workers)
<i>Convention on the Rights of Persons with Disabilities</i>	Art. 24 (right to education); Art. 25 (right to the highest attainable standard of health)
<i>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime</i>	Art. 6 (medical assistance and education and training opportunities for victims of trafficking)
<i>Convention against Discrimination in Education</i>	Full text



PROPOSED INDICATORS

1. RIGHT TO THE PROTECTION OF AN ADEQUATE STANDARD OF LIVING

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Signature and ratification of relevant international human rights treaties with regard to the right to the enjoyment of an adequate standard of living.</p> <p>Legislation that establishes firewalls between public services and immigration control services, prohibiting public sector workers from sharing data on the immigration status of their users with migration authorities.</p>	<p>Number of complaints received about migrants' access to social services and rights, investigated and resolved by national human rights institutions, the ombudsman or other means, and proportion of those that have resulted in an effective government response.</p> <p>Social protection policies targeting workers below the poverty line, including migrants, regardless of their migration or residence status.</p> <p>Existence of maternity benefits that include migrants.</p>	<p>Number of migrants with access to culturally-sensitive social services, disaggregated by migration or residence status, age, gender, sex, ethnic origin, nationality, nationality of parents, place of residence and duration of residence.</p> <p>Coverage ratio provided to migrants by each social security programme compared to that of nationals, disaggregated by sex.</p>



2. RIGHT TO STANDARDISED HEALTH CARE

INDICADORES DE ESTRUCTURA	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Legislation that recognises equal access to health services for all persons within the jurisdiction of the State, including migrants, irrespective of their administrative status.</p> <p>Legislation that recognises the right to care in all cases and for all persons within its territory in the cases of minors; pregnancy, childbirth and postpartum care; and emergency care.</p>	<p>Number of health policies and programmes that include migrants as a specific target group, including programmes aimed at reducing health inequalities and inequities and addressing the social determinants of health. Special emphasis on access to sexual and reproductive health and mental health services.</p> <p>Number of programmes aimed at promoting and raising awareness of migrants' right to health, targeting health centres, health professionals and migrant communities. Special emphasis on access to sexual and reproductive health and mental health services.</p> <p>Proportion of health workers trained in cultural diversity, migration and human rights.</p> <p>Number of interpreters and intercultural mediators who work in health facilities, disaggregated by language.</p>	<p>Proportion of migrants with public health insurance or proof of entitlement to health care, disaggregated by migration or residence status, age, gender, sex, ethnic origin, nationality, nationality of parents, place of residence and duration of residence.</p> <p>Proportion of migrant women and adolescent girls with access to sexual and reproductive health services, including access to voluntary termination of pregnancy, disaggregated by migration or residence status, age, gender, sex, ethnic origin, nationality, nationality of parents, place of residence, duration of residence.</p> <p>Proportion of migrant minors covered by nutrition and health programmes, including health check-ups, and proportion of migrant minors immunised against vaccine-preventable diseases disaggregated by migration or residence status, age, gender, sex, ethnic origin, nationality, nationality of parents, place of residence, duration of residence.</p> <p>Proportion of migrants with access to health services in their mother tongue.</p> <p>Rate of (a) mortality; (b) morbidity; (c) life expectancy; and (d) disease prevalence, disaggregated by migration or residence status, age, gender, sex, ethnic origin, nationality, nationality of parents, place of residence, duration of residence and specific disease.</p> <p>Rate of access of migrants to different levels of health care services, compared to nationals, disaggregated by level of care, migration or residence status, age, gender, sex, ethnic origin and nationality.</p>



3. RIGHT TO COMPULSORY AND NON-COMPULSORY EDUCATION WITHOUT DISCRIMINATION

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Legislation that recognises the right to compulsory education for all migrant children, regardless of their migration or residence status, on equal terms with nationals.</p> <p>Legislation that recognises the right to non-compulsory education for all migrants, regardless of their migration or residence status, on equal terms with nationals.</p>	<p>Number of affirmative action measures to ensure access to education without discrimination for groups in vulnerable situations, such as those aimed at improving the equitable geographical distribution of schools.</p> <p>Number of programmes aimed at including an anti-racist approach in education curricula. Proportion of schools including such programmes.</p> <p>Number of free language learning programmes in the country of destination to promote the school integration of migrant children.</p>	<p>Percentage of: (a) migrant minors; (b) children of migrants; and (c) nationals attending and completing compulsory education disaggregated by age, sex, ethnic origin and nationality.</p> <p>Percentage of: (a) migrants; (b) children of migrants; and (c) nationals attending and completing non-compulsory education disaggregated by age, sex, ethnic origin and nationality.</p> <p>Performance and literacy rate of migrants compared to nationals.</p> <p>Number of migrant children attending language training programmes.</p> <p>School dropout rate of migrant minors compared to nationals.</p> <p>Proportion of teachers trained in intercultural education and migrants' rights.</p> <p>Proportion of schools that include free language learning programmes in the country of destination to promote school integration of migrant children.</p> <p>Proportion of migrants receiving public support or scholarships for education compared to nationals.</p>



4. RIGHT TO ADEQUATE HOUSING

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Housing legislation that includes protection of racialised persons from discriminatory measures in access to housing.</p>	<p>Number of public policies and programmes aimed at guaranteeing access to decent housing for all persons without discrimination, disaggregated by state, regional and local level.</p> <p>Policies aimed at generating decent housing alternatives for people experiencing homelessness or living in informal settlements.</p>	<p>Proportion of migrants experiencing homelessness compared to nationals.</p> <p>Proportion of migrants accessing social housing compared to nationals.</p>



OBJECTIVE 16.

EMPOWER MIGRANTS AND SOCIETIES TO REALIZE FULL INCLUSION AND SOCIAL COHESION

32. We commit to foster inclusive and cohesive societies by empowering migrants to become active members of society and promoting the reciprocal engagement of receiving communities and migrants in the exercise of their rights and obligations towards each other, including observance of national laws and respect for customs of the country of destination. We further commit to strengthen the welfare of all members of societies by minimizing disparities, avoiding polarization and increasing public confidence in policies and institutions related to migration, in line with the acknowledgement that fully integrated migrants are better positioned to contribute to prosperity.

As in previous goals, Objective 16 is underpinned by a solid foundation of principles of international human rights law, such as the Universal Declaration of Human Rights and various international treaties. These instruments guarantee the right to political participation, leisure, cultural life and other essential aspects of human life, regardless of nationality or migration status. However, it is crucial to stress that the full enjoyment of these rights implies not only legal recognition, but also the elimination of barriers that hinder their effective exercise.

To achieve this objective, a series of indicators have been proposed, ranging from regulatory changes for the recognition of migrants' political rights, to inclusive policies that respect their cultural identity and human rights. Measures are also sought to promote their participation in institutions and to foster dialogue between migrants and local communities. In addition, the importance of cultural and linguistic adaptation is valued, as well as financial support to migrant organisations.

These structure, process and outcome indicators will guide us on the path towards full inclusion and social cohesion of migrants, recognising their contribution to our societies and promoting a world where all people, regardless of their origin, have the opportunity to thrive and actively participate in building a more just and equitable future.



BINDING CONTENT UNDER INTERNATIONAL HUMAN RIGHTS LAW

INTERNATIONAL TREATY OR CONVENTION	CONTENT
<i>Universal Declaration of Human Rights</i>	Art. 21 (right to political participation); Art. 24 (right to leisure); Art. 27 (right to participate in cultural life)
<i>International Covenant on Civil and Political Rights</i>	Art. 25 (right to political participation)
<i>International Covenant on Economic, Social and Cultural Rights</i>	Art. 7 (right to rest and leisure); Art. 15 (right to take part in cultural life)
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i>	Art. 31 (right to respect for cultural identity); Art. 41 (right to political participation)

PROPOSED INDICATORS

1. RIGHT TO POLITICAL PARTICIPATION

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
Adoption of regulatory changes to achieve recognition of migrants' political rights (right to vote and stand for election), verified through legal and policy changes.	Measures to promote migrants' participation in institutions, verified through participation reports and records.	Percentage of migrant population eligible to vote and stand for election at national, regional and local levels. Percentage of migrant and racialised people in national and regional parliaments and in local councils.



2. STRENGTHENING OF MIGRANT ORGANISATIONS

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
Adoption of laws or policies at national or regional level that formally recognise and support the role and contribution of migrant organisations in the promotion and protection of migrants' rights.	Percentage of national, regional and local budgets allocated to support migrant organisations, reflecting the level of resources allocated and funds earmarked to support their activities and services.	Increase in the number of migrant organisations and NGOs working to protect and promote the rights of migrants, indicating increased awareness and support from civil society.

3. COMMUNITY PARTICIPATION AND INTERCULTURAL COEXISTENCE

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
Existence of a normative or legal framework that supports and promotes community participation and intercultural coexistence of migrants, verified by reviewing and evaluating laws, policies and regulations at government and local levels.	<p>Increased community participation and dialogue between migrants and community members, with the support of non-governmental organisations, in the design of policies and programmes aimed at supporting the inclusion of migrants, verified through participation reports and assessments.</p> <p>Facilitation of cultural and language orientation courses from an intercultural perspective, assessed through enrolment registration, attendance tracking, progress and learning outcome assessments, programme quality and satisfaction surveys and the number of successful graduates. The purpose is to improve the cultural and linguistic adaptation of migrants, ensuring their active participation and level of competence acquired in the local culture and language, while fostering dialogue and mutual understanding between cultures.</p>	<p>Increase in the number of migrants participating in community activities and cultural events, indicating greater integration and social cohesion.</p> <p>Number of cultural manifestations by migrant groups in relevant public spaces.</p>



STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
	<p>Increased number of inclusive policies and programmes that assist migrants to integrate, respecting their cultural identity and human rights, in compliance with international human rights and labour standards, verified through government reports and external assessments.</p> <p>Increased number of inclusive policies and programmes that favour migrants' access to labour market insertion and social inclusion, verified through regular assessments.</p> <p>Number of public measures at state, regional and local levels aimed at the recognition of cultural expressions of migrant groups.</p>	



OBJECTIVE 17.

ELIMINATE ALL FORMS OF DISCRIMINATION AND PROMOTE EVIDENCE-BASED PUBLIC DISCOURSE TO SHAPE PERCEPTIONS OF MIGRATION

32. We commit to eliminate all forms of discrimination, condemn and counter expressions, acts and manifestations of racism, racial discrimination, violence, xenophobia and related intolerance against all migrants in conformity with international human rights law. We further commit to promote an open and evidence-based public discourse on migration and migrants in partnership with all parts of society, that generates a more realistic, humane and constructive perception in this regard. We also commit to protect freedom of expression in accordance with international law, recognizing that an open and free debate contributes to a comprehensive understanding of all aspects of migration

The principle of non-discrimination is a basic pillar of international human rights law and the GCM itself includes it among its guiding principles. The latter refer to the fact that the Compact will ensure the effective respect for and protection and fulfilment of the human rights of all migrants, regardless of their migration status, across all stages of the migration cycle, and reaffirms the commitment to eliminate all forms of discrimination, including racism, xenophobia and intolerance against migrants and their families.¹²

While this principle cuts across all the objectives of the Global Compact, Objective 17 addresses it specifically at the same time, with a focus on the prevention and prosecution of hate crimes and on raising awareness of the population in destination countries to change the negative perception that may exist around migrants. Achieving this objective requires a combination of criminal sanctioning measures and active prevention policies. Among the latter, we must highlight the importance of public authorities and public officials – particularly the national law enforcement authorities, the judiciary and workers in the health and education sectors – being properly trained in anti-racism and equality. It is also necessary to incorporate into this approach the fight against micro-racism, those everyday behaviours and attitudes which, without resulting in an explicit act of violence, contribute to the exercise of power by one ethnic group over another.

Likewise, any measure aimed at combating discrimination must place migrants in an irregular administrative situation at the centre, otherwise this would lead to the contradiction of these measures being discriminatory in themselves. Thus, following the commitment set out in the GCM's guiding principles and international human rights law, this objective must also incorporate the establishment of a legal framework that provides migrants with legal security in accessing and enjoying their rights regardless of their migratory status. To this end, an essential measure is to guarantee access to effective justice through secure complaint mechanisms that allow any migrant whose rights have been violated to file the corresponding complaint without running the risk of being subject to expulsion proceedings.

12. Global Compact for Safe, Orderly and Regular Migration. A/RES/73/195. 15(f).

BINDING CONTENT UNDER INTERNATIONAL HUMAN RIGHTS LAW

INTERNATIONAL TREATY OR CONVENTION	CONTENT
<i>Universal Declaration of Human Rights</i>	Art. 2 (non-discrimination); art. 7 (equality before the law)
<i>International Covenant on Civil and Political Rights</i>	Art. 2 (non-discrimination in the enjoyment of the rights recognised in the Covenant); Art. 9 (prohibition of arbitrary detention); Art. 19 (right to freedom of expression, including in the form of art); Art. 20 (prohibition of incitement to discrimination); Art. 25 (right to political participation); Art. 26 (equality before the law)
<i>International Covenant on Economic, Social and Cultural Rights</i>	Art. 2 (non-discrimination in the enjoyment of the rights recognised in the Covenant); Art. 15 (right to take part in cultural life)
<i>International Convention on the Elimination of All Forms of Racial Discrimination</i>	Full text
<i>Convention on the Elimination of All Forms of Discrimination against Women</i>	Full text
<i>Convention on the Rights of the Child</i>	Art. 2 (non-discrimination in the enjoyment of the rights recognised in the Convention)
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i>	Art. 1 (non-discrimination in the enjoyment of the rights recognised in the Convention); Art. 13 (right to freedom of expression, including in the form of artistic); Art. 16 (protection against violence by public officials or by private individuals, groups or institutions); Art. 17 (treatment of detainees with humanity); Art. 31 (right to respect for cultural identity); Art. 41 (right to political participation)
<i>Convention on the Rights of Persons with Disabilities</i>	Arts. 3 y 5 (principles of equality and non-discrimination)



PROPOSED INDICATORS

1. PROTECTION AND EFFECTIVE FULFILMENT OF THE RIGHTS OF ALL MIGRANTS IN CONDITIONS OF EQUALITY AND NON-DISCRIMINATION, REGARDLESS OF THEIR ADMINISTRATIVE STATUS

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Signature and ratification of the main international human rights treaties relating to the rights of migrants.</p> <p>Adoption of national legislation on equality and non-discrimination that includes within its subjective scope all persons living in its territory, regardless of their administrative status.</p>	<p>Creation of councils against racial discrimination, made up of the administration, civil society and social agents to monitor public policies against racial discrimination and accompany victims in complaint processes.</p>	<p>Number of complaints against discrimination in social rights filed by migrants before administrative and judicial bodies (public anti-discrimination and human rights institutions, the judiciary, etc.).</p> <p>Complaints filed by civil society organisations with international human rights mechanisms concerning discriminatory policies or practices, including those based on nationality and migration or residence status.</p> <p>Judicial decisions that have recognised equal social rights for migrants.</p>

2. PREVENTION AND PROSECUTION OF HATE CRIMES, RACISM AND XENOPHOBIA

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Adoption of national legislation against racism, racial discrimination and all forms of intolerance, which criminally prosecutes hate crimes and hate speech and includes in its subjective scope all persons living in its territory, irrespective of their administrative status.</p>	<p>Proportion of incidents of criminal and other offences, including racism and hate speech, against migrants.</p> <p>Number of campaigns aimed at preventing racism and xenophobia and hate speech against migrants, including awareness-raising against everyday micro-racism, at different levels (media, educational institutions, health services, at work, in sports).</p> <p>Proportion of the state, regional and local budget spent on related programmes for the prevention of racism and xenophobia.</p>	<p>Number of migrants who have filed complaints as victims of racism and xenophobia.</p> <p>Proportion of persons convicted of hate crimes against migrants.</p>



3. SAFE REPORTING AND ACCESS TO JUSTICE

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
Adoption of national legislation that ensures safe complaint mechanisms and access to justice for all persons, regardless of their migration or administrative status.	Number of programmes and services for victims of racial or ethnic discrimination to combat under-reporting by providing information on the right to complain in cases of racism and xenophobia and accompanying their complaint.	Number of expulsion cases opened against migrants who have filed a complaint with the competent authority. Under-reporting statistics that may reflect the lack of access to secure reporting as one of the causes.

4. PROHIBITION OF RACIAL OR ETHNIC PROFILING BY PUBLIC AUTHORITIES

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
Adoption of national legislation that expressly prohibits racial or ethnic profiling by public authorities, particularly law enforcement agencies.	Number of training courses on anti-racism, equal treatment and non-discrimination for public administration staff (national law enforcement; justice administration staff; social, health and education services).	Percentage of public administration staff who have been trained in anti-racism, equal treatment and non-discrimination disaggregated by institution.



OBJECTIVE 19.

CREATE CONDITIONS FOR MIGRANTS AND DIASPORAS TO FULLY CONTRIBUTE TO SUSTAINABLE DEVELOPMENT IN ALL COUNTRIES

35. We commit to empower migrants and diasporas to catalyse their development contributions, and to harness the benefits of migration as a source of sustainable development, reaffirming that migration is a multidimensional reality of major relevance to the sustainable development of countries of origin, transit and destination.

It is clear that a large percentage of the migrant population has neither the tools nor the resources, either in legal, socio-cultural or economic terms, necessary to make the most of their training, their skills and, ultimately, their potential. This is why we must be able to guarantee their integration through regularisation mechanisms that are adapted to current material conditions and that guarantee equal opportunities and access to basic services (health, education, housing, work, etc.) in order to truly harness and channel the valuable potential latent in these sectors of the population.

In this sense, it is essential to generate and promote favourable material conditions for the integration and contribution of migrant populations and diasporas to sustainable development (both in the countries of origin and in those of transit and destination) through international cooperation with a view to minimising the negative impact of these movements and enhancing the positive ones, ensuring at all times respect for fundamental rights and health (physical and psychological) during migration and integration.

It also becomes a priority to be able to locate and exploit the appropriate channels in socio-economic terms that enable the participation and full inclusion of the migrant population in the countries of destination/hosting through long-term strategic and organisational state/government planning that accommodates, from a realistic and up-to-date perspective, migration flows (both outgoing and incoming), and that facilitates cooperation in terms of transit, integration and the channelling of capacities of the displaced population and their families.



BINDING CONTENT UNDER INTERNATIONAL HUMAN RIGHTS LAW

INTERNATIONAL TREATY OR CONVENTION	CONTENT
<i>Universal Declaration of Human Rights</i>	Art. 22 (right to social security and realisation of economic, social and cultural rights)
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i>	Art. 3(b) (right to work for migrant workers lacking required documentation); Art. 31 (right to family reunification)
<i>International Covenant on Economic, Social and Cultural Rights</i>	Art. 2 (obligation to guarantee full effectiveness of economic, social and cultural rights)
<i>Convention Relating to the Status of Refugees</i>	Art. 35 (judicial mechanism for the settlement of disputes between States Parties)
<i>United Nations Convention against Transnational Organized Crime</i>	Art. 1 (promotion of measures to prevent and combat transnational organised crime)

PROPOSED INDICATORS

1. PARTICIPATION AND REPRESENTATION OF MIGRANTS THROUGH ASSOCIATIONS IN THE PLANNING OF DEVELOPMENT PROJECTS

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
Involvement of migrants in the planning of development projects.	<p>Increased number of repatriated migrants in the process of elaboration and execution of development projects.</p> <p>Number of awareness-raising campaigns for the indigenous population for greater involvement in development and co-development projects.</p> <p>Increased number of migrant associations supported by subsidies, training and mentoring.</p>	<p>Number of migrants involved and participating directly in projects.</p> <p>Percentage of migrant women participating in each process.</p> <p>Number of migrant associations participating in consultation processes.</p>



2. INTERNATIONAL COOPERATION IN THIRD COUNTRIES

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
Increasing the number of co-development projects in third countries.	Annual and sustainable increase in development aid of 0.7% to impoverished countries. Support for projects linked to sustainable agriculture, forestry, and water in countries.	Number of development and co-development projects. Percentage of forest mass protected. Percentage of springs, rivers and wetlands without pollution.

3. TRAINING FOR MIGRANT CITIZENS

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
Increased number of training courses for returned migrants and financial support for setting up businesses.	Number of training campaigns for leaders in development and co-development.	Increase in the training offer in this area by administrations. Percentage of migrants participating in training actions. Increase in migrant entrepreneurship.



OBJECTIVE 20.

PROMOTE FASTER, SAFER AND CHEAPER TRANSFER OF REMITTANCES AND FOSTER FINANCIAL INCLUSION OF MIGRANTS

36. We commit to promote faster, safer and cheaper remittances by further developing existing conducive policy and regulatory environments that enable competition, regulation and innovation on the remittance market and by providing gender-responsive programmes and instruments that enhance the financial inclusion of migrants and their families. We further commit to optimize the transformative impact of remittances on the well-being of migrant workers and their families, as well as on the sustainable development of countries, while respecting that remittances constitute an important source of private capital and cannot be equated to other international financial flows, such as foreign direct investment, official development assistance or other public sources of financing for development.

It is essential to update the legal framework surrounding certain financial transactions and movements, not only to facilitate remittance transfers, which are vital in many cases, but also to reduce the opportunity cost that is lost by leaving the matter in the hands of private entities and corporations that look only after their own short-term interests. Scope and cost savings must be ensured in order to improve both the sending and receiving environments and to secure, facilitate (access, information, entry/exit points, etc.) and lower the cost of international remittance transfers (automated account-to-account payments/collections) between individuals.

In order to optimise the positive impact of private-to-private remittances (not only for the remittance senders, but also for their families and environments, both at origin and destination), we must update and develop financial and fiscal regulatory frameworks that adapt to the new needs of the migrant population and that favour and improve efficiency in terms of international private transactions; thus optimising the positive impact of private-to-private remittances, not only for the remittance senders, but also for their families and environments.



BINDING CONTENT UNDER INTERNATIONAL HUMAN RIGHTS LAW

INTERNATIONAL TREATY OR CONVENTION	CONTENT
<i>Universal Declaration of Human Rights</i>	Art. 21 (direct or indirect participation in the government of the country); Art. 22 (right to social security and realisation of economic, social and cultural rights); Art. 24 (right to rest, leisure and reasonable limitation of working hours); Art. 25 (right to an adequate standard of living, including food, housing, clothing, medical care for herself and her family)
<i>International Covenant on Economic, Social and Cultural Rights</i>	Art. 9 (right to social security in the face of old age, unemployment, disability or other risks); Art. 11 (right to an adequate standard of living); Art. 21 (right to housing); Art. 23 (right to public relief); Art. 24 (labour rights)
<i>Convention Relating to the Status of Stateless Persons</i>	Art. 21 (right to housing); Art. 23 ((right to public relief); Art. 24 (labour and social security rights)
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i>	Article 32: <i>Upon the termination of their stay in the State of employment, migrant workers and members of their families shall have the right to transfer their earnings and savings and, in accordance with the applicable legislation of the States concerned, their personal effects and belongings.</i>



PROPOSED INDICATORS

1. PROMOTING REMITTANCES AS A DEVELOPMENT ENABLER

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Agreement between governments and the World Bank to facilitate the transfer of remittances.</p>	<p>Number of campaigns to raise awareness on the proper use of remittances.</p> <p>Number of workshops on financial education for migrants and their families.</p> <p>Number of studies on the use of remittances and their impact on human and local development.</p>	<p>Percentage of women receiving remittances.</p> <p>Percentage of migrants' family members who invest in housing, business, health and education.</p>

2. STREAMLINING OF THE REMITTANCE TRANSFER PROCESS

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Adoption of agreements with banks and remittance companies to make remittances faster, cheaper and safer.</p> <p>Adoption of agreements so that private banks make remittances effective to beneficiaries within a maximum timeframe of 24 hours.</p> <p>Regulation of national banks to facilitate the arrival of remittances in both urban and rural environments.</p>	<p>Number of agreements between national banks and private financial entities to ensure that remittances reach all locations.</p>	<p>Percentage of migrants who have easy access to banks and remittance companies.</p> <p>Number of banking and remittance companies in small towns that have relatives of migrants.</p>



3. LIMITATION OF FEES AND OTHER COSTS TO MAKE REMITTANCES CHEAPER

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Legislation that regulates the profit of remittance companies and banks on foreign exchange and transfer costs.</p> <p>Adopting regulation that links the cost of remittances in proportion to the amounts remitted.</p>	<p>Establishing bodies to monitor compliance with laws and regulations regarding remittance transfers.</p>	<p>Reducing the transaction costs of migrant remittances to less than 3% and eliminate remittance corridors with costs higher than 5% (SDG Target 10.c).</p>



OBJECTIVE 21.

COOPERATE IN FACILITATING SAFE AND DIGNIFIED RETURN AND READMISSION, AS WELL AS SUSTAINABLE REINTEGRATION

37. We commit to facilitate and cooperate for safe and dignified return and to guarantee due process, individual assessment and effective remedy, by upholding the prohibition of collective expulsion and of returning migrants when there is a real and foreseeable risk of death, torture and other cruel, inhuman and degrading treatment or punishment, or other irreparable harm, in accordance with our obligations under international human rights law. We further commit to ensure that our nationals are duly received and readmitted, in full respect for the human right to return to one's own country and the obligation of States to readmit their own nationals. We also commit to create conducive conditions for personal safety, economic empowerment, inclusion and social cohesion in communities, in order to ensure that reintegration of migrants upon return to their countries of origin is sustainable.

The so-called “migration crises” are not solved by erecting barriers or by means of indiscriminate (or collective) expulsions, but by cooperating, both at domestic level (communication between authorities, allocation of resources to study in depth the causes, conditions and environment at origin, generation of support networks...) and at international level (both between governments and between associations and non-governmental entities).

The principle of non-refoulement and work towards integration must always prevail, optimising their positive effects against the costs (not only in economic terms, but also in human terms) of forced returns and expulsions.

It is extremely important, if we take into account any interpretation of human rights as a whole, to respect the right to asylum and, therefore, to ensure an exhaustive case-by-case study (taking into account the danger and insecurity in the event of refusal and return, respect for procedural timeframes and deadlines, the feasibility of appeals, the prohibition of arbitrary, collective and “hot” expulsions, etc.) and to guarantee at all times (both in origin and in transit and destination countries) the safety, dignity and integrity (both physical and psychological) of all returnees, with expulsion being the last resort, as well as to ensure and promote respect for the essential conditions of safety and dignity that must govern the processes of return, readmission and sustainable reintegration.



BINDING CONTENT UNDER INTERNATIONAL HUMAN RIGHTS LAW

INTERNATIONAL TREATY OR CONVENTION	CONTENT
<i>Universal Declaration of Human Rights</i>	Art. 13 (right to enter and leave a country); Art. 14 (right to asylum)
<i>International Covenant on Civil and Political Rights</i>	Art. 12 (right to enter and leave a country); Art. 13 (protection against expulsion of aliens with authorised residence); Art. 14 (right to effective judicial protection)
<i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</i>	Art. 3 (prohibition of expulsion where there are substantial grounds for believing that the person may be subjected to torture)
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i>	Art. 22 (protection against arbitrary expulsions); Art. 23 (right to consular protection and assistance); Art. 56 (prohibition of using expulsion to avoid recognition of the rights of the Convention)
<i>International Convention for the Protection of All Persons from Enforced Disappearance</i>	Art. 16 (prohibition of expulsion where there are substantial grounds for believing that the person may be subjected to enforced disappearance).
<i>Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organized Crime</i>	Art. 18 (right to dignified repatriation)
<i>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime</i>	Art. 8 (guarantees in case of repatriation)



PROPOSED INDICATORS

1. COMPLIANCE WITH THE PRINCIPLE OF NON-REFOULEMENT IN ACCORDANCE WITH INTERNATIONAL LAW

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Respect for the principle of non-refoulement in all cases.</p> <p>Prohibition of refoulement of migrant women who are survivors of trafficking.</p> <p>Legislation prohibiting the refoulement of migrant girls who are survivors of trafficking unless doing so has been determined to be in their best interests through a needs assessment.</p>	<p>Policies requiring that judicial options be exhausted before returns, deportations, removals and forced readmissions are ordered and that each case be treated individually, with due process and access to justice in accordance with international law and awareness of the risks the person may face upon return, particularly gender-specific risks, including sexual and gender-based violence (SGBV).</p>	<p>50% decrease of forced returns (expulsions) of migrants every year, until complete abolition.</p> <p>80% of forced returns are observed by representatives of NGOs and migrants' associations for the enforcement of the Rights.</p> <p>0% of migrants expelled with minors or with dependants under their care.</p>

2. SAFE RETURN WITH GUARANTEES THROUGH BILATERAL AGREEMENTS AND FULL REINTEGRATION PROGRAMMES

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Conclusion of agreements for the readmission of migrants, so that they are received in their countries of origin in dignified conditions and support them in their search for housing and employment, guaranteeing a dignified readmission.</p>	<p>Reintegration programmes are provided for migrants who are returned to their countries of origin.</p> <p>Training and provision of information, including on repatriation, remittances and vocational learning opportunities, to help migrants return.</p> <p>Providing reintegration programmes for migrants who are returned to their countries of origin, ensuring their access to support and opportunities for successful reintegration.</p>	<p>Percentage of migrants returned to their countries with decent living conditions.</p>



OBJECTIVE 22.

ESTABLISH MECHANISMS FOR THE PORTABILITY OF SOCIAL SECURITY ENTITLEMENTS AND EARNED BENEFITS

38. We commit to assist migrant workers at all skills levels to have access to social protection in countries of destination and profit from the portability of applicable social security entitlements and earned benefits in their countries of origin or when they decide to take up work in another country.

The incompatibility between benefits, services and coverage offered by the different social security systems is also one of the urgent issues to be addressed. We are referring to coverage that in many cases is basic, a question of dignity and health, not only of sustainable integration and inclusion; these systems operate in areas as important as health, work or education, and no one should be left out; it is one of the exclusions par excellence. Any healthy coexistence requires a regulatory framework that favours the compatibility and portability of this type of coverage, and we find that it is precisely the most vulnerable groups, such as the non-regularised population, who have the most problems in this regard.

For this reason, portability and access to the benefits and services of the social security systems must be facilitated, ensuring access to basic health and labour coverage for the migrant population, regardless of their status or administrative situation, and promoting access to different forms of protection for the most vulnerable sectors of the population (migrant population in an irregular administrative situation).

In this sense, it is essential to strengthen bilateral/international cooperation in order to favour the portability of benefits, aid and future projects that strengthen and ensure inclusion and sustainable integration.



BINDING CONTENT UNDER INTERNATIONAL HUMAN RIGHTS LAW

INTERNATIONAL TREATY OR CONVENTION	CONTENT
<i>Universal Declaration of Human Rights</i>	Art. 22 (right to social security)
<i>International Covenant on Economic, Social and Cultural Rights</i>	Art. 9 (right to social security)
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i>	Art. 27 (right to equal social security benefits)
<i>International Convention on the Elimination of All Forms of Racial Discrimination</i>	Arts. 5 (right to social security)



PROPOSED INDICATORS

1. ENSURE AND FACILITATE THE PORTABILITY OF SOCIAL SECURITY BENEFITS

STRUCTURAL INDICATORS	PROCESS INDICATORS	OUTCOME INDICATORS
<p>Bilateral or regional social security agreements that recognise the portability of social security benefits in accordance with international labour standards.</p> <p>National legislation that ensures equal treatment of all workers, whatever their nationality or sector, with respect to social security benefits.</p> <p>Inclusion of portability of social security contributions in bilateral labour agreements.</p> <p>Establishing mechanisms for the recognition of time worked in the informal economy by migrants in an irregular administrative situation for social security contribution purposes.</p>	<p>Procedures adopted to make the portability of social security benefits effective.</p> <p>Information campaigns on the processing of the portability of social security benefits.</p> <p>Training actions for public officials on the processes for proper portability of social security benefits.</p> <p>Taking measures to expedite processing of pension portability after retirement.</p>	<p>Number of migrants with equal access to social security and benefiting from cross-border portability of accrued social security benefits such as pensions.</p> <p>Number of migrant workers covered by social security agreements providing for portability of social security benefits (long-term benefits).</p> <p>Percentage of public officials adequately trained in the processes of portability of social security benefits.</p> <p>Number of migrants who manage to count time worked in the informal economy for contribution purposes.</p>





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VALENCIA

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