

Migrants' Rights at a Crossroads: Seizing the Moment(um) of the UN Global Compact on Migration and the SDGs 2030 to forge a new path for the protection of migrants' rights

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Programme:

Friday 22 March 2019. Council Suite Rooms 1 & 2, Fielding Johnson Building, University of Leicester.

9.00-9.20: Registration and coffee

9.20-9.30: Welcome

Alan Desmond

9.30-11.10: Session 1 The UN Global Compact on Migration

Chair: TBC

9.30-9.50: Vincent Chetail, 'The UN Global Compact: a game-changer in international law?'

9.50-10.10: Elspeth Guild, 'The UN Global Compact: to what extent are human rights and sustainable development mutually reinforcing, and how can realisation of the Compact's Objectives be measured?'

10.10-10.30: Kristina Touzenis, 'IOM: recent developments in global migration governance and a rights based approach'

10.30-10.50: Ryszard Cholewinski, 'The ILO: A key actor in development and implementation of the Global Compact?'

10.50-11.10: Discussion

11.10-11.40: Tea/Coffee

11.40-13.40: Session 2 The SDGs and Migration

Chair: Bernard Ryan

11.40-12.00: Patrick Taran, 'How protection of migrants' rights is key to achieving the SDGs'

12.00-12.20: Mariette Grange & Izabella Majcher, 'Immigration Detention as a Challenge to Realisation of the Global Compact's Objectives and the Goals of Agenda 2030'

12.20-12.40: Jenna Holliday, 'Three years on; how the SDGs are working for women migrant workers'

12.40-13.00: Amal de Chickera, 'Addressing the double challenge posed by stateless migrants to realisation of the SDGs'

13.00-13.20: François Crépeau, 'The long term perspective required to achieve the goal of the SDGs and the GCM to "facilitate" mobility' (via skype)

13.20-13.40: Discussion

13.40-14.30: Lunch

14.30-17.00: Session 3 Future Challenges and Opportunities for Migrants' Rights Protection

Chair: Ed Bates

14.30-14.50: Marie Dembour, 'The Burden of Proof: Evidential Expectations of Migrants'

14.50-15.10: Siobhán Mullally, 'Tackling Trafficking: Leveraging the Global Compact and the SDGs for the promotion of a human rights-based approach?'

15.10-15.30: Bernard Ryan, 'The migration crisis and international law'

15.30-16.00: Judge Pinto de Albuquerque, 'Unlocking the Protection Potential of the European Convention on Human Rights for Migrants' (ECtHR) (via skype)

16.00-17.00: Discussion.

17. 00-17.15: Thanks and Close

Alan Desmond

Speaker Bios

Organiser: Alan Desmond is a Lecturer in Law at the University of Leicester. His research interests lie in the field of immigration law as it intersects with human rights law, international law and EU law. Publications include: 'The Private Life of Family Matters: Curtailing Human Rights Protection for Migrants under Article 8 of the ECHR?' (2018) 29(1) *European Journal of International Law* 261-279; *Shining New Light on the UN Migrant Workers Convention* (editor) (Pretoria University Law Press, 2017); 'The Development of a Common EU Migration Policy and the Rights of Irregular Migrants: A Progress Narrative?' (2016) 16(2) *Human Rights Law Review* 247-272; 'Regularization in the EU and the US: The Frequent Use of an Exceptional Measure' in Acosta & Wiesbrock (eds) *Global Migration: Old Assumptions, New Dynamics* (Praeger, 2015) 69-99; 'The Triangle that Could Square the Circle? The UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the EU and the Universal Periodic Review' (2015) 17(1) *European Journal of Migration and Law* 39-69. He has delivered lectures on migrants' rights in Armenia, Ireland, Italy, Russia and the UK. He has organised two international conferences concerning migration: one in July 2014 on the UN Migrant Workers Convention at the European Inter-University Centre for Human Rights and Democratisation (EIUC) in Venice, Italy and a second in July 2015 in Marrakech, Morocco entitled *Mediterranean Migration Crisis: International and Regional Responses*.

Speakers

Prof **Vincent Chetail**, Professor of international law at the Graduate Institute of International and Development Studies (Geneva), where he is also Director of the Global Migration Centre and Head of the International Law Department. Publications include *International Migration Law* (OUP, forthcoming 2018); 'The Architecture of International Migration Law: A Deconstructivist Design of Complexity and Contradiction' *American Journal of International Law* unbound (2017); 'Sovereignty and Migration in the Doctrine of the Law of Nations: An Intellectual History of Hospitality from Vitoria to Vattel' *European Journal of International Law* (2016); *International Law and Migration* (editor) (Edward Elgar, 2016).

Amal de Chickera, Co-Director, Institute on Statelessness and Inclusion (ISI). Publications include *All About the SDGs: What Statelessness Actors Need to Know* (ISI, 2018); *Statelessness, Human Rights and the Sustainable Development Agenda: A Working Paper* (ISI, 2017); ‘Unpacking Statelessness’ in Bloom, Tonkiss & Cole (eds) *Understanding Statelessness* (Routledge, 2017); ‘Addressing Statelessness through the Rights to Equality and Non-Discrimination’ in van Waas & Khanna (eds) *Solving Statelessness* (Wolf Legal Publishers, 2016).

Dr **Ryszard Cholewinski**, Senior Migration Specialist in the International Labour Organisation (ILO)’s Regional Office for Arab States in Beirut. Previously, Migration Policy Specialist in the Labour Migration Branch in the Conditions of Work and Equality Department at ILO Headquarters in Geneva. Publications include *Addressing governance challenges in a changing labour migration landscape*, the report for the general discussion on labour migration at the 106th Session of the International Labour Conference in June 2017; *Handbook for Parliamentarians on Migration, Human Rights and Governance* (IPU, 2015); *Irregular Migrants: Access to Minimum Social Rights* (Council of Europe, 2005); *The Legal Status of Migrants Admitted for Employment* (Council of Europe, 2004); *Migrant Workers in International Human Rights Law: Their Protection in Countries of Employment* (Oxford, Clarendon Press, 1997).

Prof **François Crépeau**, Director, Centre for Human Rights and Legal Pluralism, Faculty of Law, McGill University Canada. UN Special Rapporteur on the Human Rights of Migrants 2011-2017. Publications include: ‘Migrants in Vulnerable Situations and the Global Compact for Safe Orderly and Regular Migration’ (2018) *Queen Mary, University of London, School of Law Legal Studies Research Paper Series*; *Research Handbook on Climate Change, Migration and the Law* (co-editor) (Edward Elgar, 2017); ‘Global Migration Governance: Avoiding Commitments on Human Rights, Yet Tracing a Course for Cooperation’ (2016) *2 Netherlands Quarterly of Human Rights*; ‘The Case for ‘Firewall’ Protections for Irregular Migrants: Safeguarding Fundamental Rights’ (2015) *2-3 European Journal of Migration and Law*; ‘Proposals for the development of the global compact on migration’ (Report of the Special Rapporteur on the human rights of migrants to the United Nations General Assembly 2016; ‘The human rights of migrants in the Post-2015 Sustainable Development Agenda’ (Report of the Special Rapporteur on the human rights of migrants to the United Nations General Assembly 2014).

Prof **Marie-Bénédicte Dembour**, University of Brighton. Publications include the award-winning monograph *When Humans Become Migrants* (OUP, 2015); *Are Human Rights for Migrants? Critical Perspectives on the Status of Illegal Migrants in Europe and the United States* (co-editor) (Routledge, 2011); ‘Critiques’ in Moeckli, Shah & Sivakumaran (eds) *International Human Rights Law* (OUP, 2010) 64-86. ‘What it takes to make a case: the backstage story of *Muskhadzhiyeva v. Belgium* (illegality of children’s immigration detention)’ in Lambert-Abdelgawad (ed), *Preventing and Sanctioning Hindrances to the Right of Individual Petition to the European Court of Human Rights* (Intersentia, 2011) 75-104.

Mariette Grange, Senior Researcher at the Global Detention Project. English-language publications include ‘The Migrant Workers Convention: A legal tool to safeguard migrants against arbitrary detention’ in Desmond (ed) *Shining New Light on the UN Migrant Workers Convention* (Pretoria University Law Press, 2017); ‘Immigration detention under international human rights law: the legal framework and the litmus test of human rights treaty bodies monitoring’ in Flynn & Flynn (eds) *Challenging Immigration Detention: Academics, Activists and Policy-makers* (Edward Elgar, 2017); *Smoke Screens: Is There a Correlation between Migration Euphemisms and the Language of Detention?* (Global Detention Project Working Paper No. 5, September 2013).

Prof **Elsbeth Guild**, Jean Monnet Professor ad personam at Queen Mary, University of London and at the Radboud University Nijmegen, Netherlands. Publications include 'Migrants in Vulnerable Situations and the Global Compact for Safe Orderly and Regular Migration' (2018) *Queen Mary, University of London, School of Law Legal Studies Research Paper Series*; 'Securitisation of Borders and the UN's Global Compact on Safe, Orderly and Regular Migration' (2018) *Queen Mary School of Law Legal Studies Research Paper*; 'First Perspectives on the Zero Draft (5 February 2018) for the UN Global Compact on Safe, Orderly and Regular Migration' (2018) *Queen Mary, University of London, School of Law Legal Studies Research Paper Series*; 'Migration Governance in the UN: What is the Global Compact and What Does it Mean?' (2017) *Queen Mary, University of London, School of Law Legal Studies Research Paper Series*; *Human Rights of Migrants in the 21st Century* (editor) (Routledge, 2017).

Jenna Holliday, member of the Expert Working Group for Addressing Women's Human Rights in the Global Compact for Migration. Publications include: 'Achieving the Sustainable Development Goals: Surfacing the Role for a Gender Analytic of Migration' (2018) *Journal of Ethnic and Migration Studies*; 'Who gets 'left behind': Promises and Pitfalls in Making the Global Development Agenda Work for Sex Workers – Reflections from Southeast Asia' (2017) *Journal of Ethnic and Migration Studies*; *At What Cost? Women Migrant Workers, Remittances and Development* (UN Women, 2017); 'Women migrant workers in ASEAN' *Policy Brief Series: Women's Labour Migration in ASEAN* (UN Women/ILO 2015).

Dr **Izabella Majcher**, Researcher at the Global Detention Project and visitor to immigration detainees with the Ligue Suisse des Droits de l'Homme. Publications include "GCM Commentary: Objective 21: Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration," *Refugee Law Initiative Blog*, November 2018; "The EU Hotspot Approach: Blurred Lines between Restriction on and Deprivation of Liberty," *Border Criminologies*, April 2018; "OBJECTIVE 21: Cooperate in facilitating dignified and sustainable return, readmission and reintegration," In *First Perspectives on the Zero Draft (5 February 2018) for the UN Global Compact on Safe, Orderly and Regular Migration*, eds. E. Guild and T. Basaran, February 2018; "Immigration detention under international human rights law: the legal framework and the litmus test of human rights treaty bodies monitoring," in *Challenging Immigration Detention: Academics, Activists and Policy-makers*, eds. M. J. Flynn and F. B. Flynn (Elgar, 2017), (with M. Grange); "Discipline and Punish? Analysis of the Purposes of Immigration Detention in Europe," *AmeriQuests* 11(2), 2014, (with C. de Senarclens).

Prof **Siobhán Mullally**, Director of the Irish Centre for Human Rights at NUI Galway and former President of Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA). Her publications include 'A Crisis of Protection in Europe: Migrants at Sea' (2016) 110 *Proceedings Of The 98th Annual Meeting, American Society Of International Law* 173-178; 'Double Jeopardy: Domestic Workers in Diplomatic Households and Jurisdictional Immunities' (2016) 64 (3) *American Journal Of Comparative Law* 677-720; 'Migrant Domestic Workers in the UK: Enacting Exclusions, Exemptions, and Rights' (2014) 36 *Human Rights Quarterly* 397-427; 'Domestic Violence Asylum Claims and Recent Developments in International Human Rights Law: A Progress Narrative?' (2011) 60 *International & Comparative Law Quarterly* 459-484; 'Civic Integration, Migrant Women and the Veil: at the Limits of Rights?' (2011) 74 *Modern Law Review* 27-56; 'Citizenship and family life in Ireland: asking the question 'Who belongs?'' (2005) 25(4) *Legal Studies* 578-600.

Judge **Paulo Pinto de Albuquerque** has been the Portuguese judge at the ECtHR since 2011. Prior to his work at the ECtHR, he served as a judge in Lisbon; an expert with the Council of Europe's Group of States against Corruption (GRECO); an advisor to the Portuguese Ministry

of Internal Administration; an associate professor at the Universidade Católica Portuguesa; and an adjunct professor at the University of Illinois College of Law.

Prof **Bernard Ryan**, Professor of Migration Law at University of Leicester. Co-chair of the Migration and Law Network. Publications include: ‘The Labour and Social Rights of Migrants in International Law’ (with V Mantouvalou) in Rubio Marín (ed) *Human Rights and Immigration* (OUP, 2014) 177-211; ‘In Defence of the Migrant Workers Convention: Standard-Setting for Contemporary Migration’ in Juss (ed), *The Ashgate Research Companion to Migration Theory and Policy* (Ashgate, 2013) 491-515; ‘Extraterritorial Immigration Control: What Role for Legal Guarantees?’ in Ryan & Mitsilegas (eds) *Extraterritorial Immigration Control: Legal Challenges* (Martinus Nijhoff, 2010) 3-37.

Patrick Taran, President of Global Migration Policy Associates, Visiting Professor at the Geneva School of Diplomacy and Senior Fellow at the Global Migration Centre, Graduate Institute for International and Development Studies of Geneva. Publications include: *Practitioners Handbook, Cities Welcoming Migrants and Refugees* (UNESCO-ECCAR-GMPA forthcoming 2018); *Promoting a Rights-based Approach to Migration, Health, and HIV and AIDS: A Framework for Action* (ILO, 2017); *Youth and Migration; Challenges and Opportunities* (UNICEF/Global Migration Group, 2014); *International Migration, Social Cohesion and Development: An Integrated Approach* (Council of Europe, 2009).

Kristina Touzenis, Head of the International Migration Law Unit at the International Organization for Migration (IOM). Publications include: *Current Challenges in the Implementation of the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (European Parliament, 2013); ‘Migration and human rights in Italy - prospects for the ICRMW’ in Cholewinski et al (eds) *Migration and Human Rights* (CUP, 2009); *Unaccompanied Minors: Rights and Protection* (Cosmopolis, 2006).