Media-Friendly Glossary on Migration

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Thanks

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Foreword

- H. E. Mr. Nassir Abdulaziz Al-Nasser, *High Representative*, United Nations Alliance of Civilizations
- Mr. Pascal Berqué, *Director General*, Panos Europe Institute

In January 2013, a group of editors-in-chief from Africa, Asia and Europe gathered in Paris alongside civil society and international organisation representatives in a two-day seminar called: "Covering Migration: Challenges Met and Unmet". Organized by the United Nations Alliance of Civilizations in partnership with the Global Editors' Network, the purpose of this seminar was to assess the quality of ongoing media production on migration and suggest feasible recommendations to improve it. The first recommendation, drafted and approved by the participants, was to: "*Offer journalists a media-friendly glossary of terms in multiple languages to ensure specificity and accuracy in their word choice*". In May 2013, the United Nations Alliance of Civilizations with Club Suisse de la Presse held a second seminar in Berne following the same model. Again, the participating editors-in-chief, civil society and international organisation representatives called for the creation of a media-friendly glossary on migration.

The request for such a tool comes as an answer to two ongoing trends. On one side, the changing aspect of human migrations and of words used to characterize these movements. On the other hand, the pressure put on journalists – who don't always benefit from a specific training on migration – to report in print and audio-visual media with precision and appropriate terminology.

The work of the media greatly influences how the public views migrants and issues related to migration. Media have the power to create positive or negative perceptions; accurate or inaccurate perceptions. With that in mind, two of the United Nations Alliance of Civilizations' pillars are Media and Migration. Consistent work

in these two areas, like the Media-Friendly Glossary on Migration, help the organisation foster social inclusion and understanding, globally. Panos Europe Institute has a similar vision to create open, inclusive societies through helping the work of independent and mainstream media outlets.

In order to meet the expectations of the journalists to have both precise and media-friendly definitions of key migration concepts, the United Nations Alliance of Civilizations and the Panos Europe Institute, with the support of Open Society Foundations, have reached out to two ad hoc committees. A scientific committee composed of eight international and civil society organisations[1] working on different yet complementary aspects of migration. Individually, they each drafted a set of definitions relevant to their area of expertise which constitute the core of this glossary. An editorial committee, composed of four media professionals[2], was asked to review and edit these definitions.

Drafting a glossary on migration-related terms is, by definition, an ongoing process. Considering the diversity of definitions and the lack of consensus on certain terms, it is also an imperfect process. Bearing in mind that the purpose of this tool is not to give rigid definitions of evolving concepts, we do hope that it will prove convenient for journalists as well as students, civil society organizations and any person interested in human migrations. ■

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1. Internal Displacement Monitoring Centre (IDMC), International Federation of Red Cross and Red Crescent Societies (IFRC), International Labour Organization (ILO), International Organization for Migration (IOM), Office of the United Nations High Commissioner for Human Rights (OHCHR), Platform for International Cooperation on Undocumented Migrants (PICUM), Terre des Hommes (TDH), United Nations High Commissioner for Refugees (UNHCR).

2. Mr. Yasir Mirza (The Guardian), Ms. Mirta Ojito (Columbia University Graduate School of Journalism), Ms. Susan Sachs (The Globe and Mail), Ms. Kathryn Wicks (Sydney Morning Herald).

• Debora Guidetti, *Program Manager,* Open Society Initiative for Europe

The Open Society Foundations (OSF) work in over 100 countries, to build vibrant and tolerant societies whose governments are accountable and open to the participation of all people. OSF places a high priority on protecting and improving the lives of people in marginalized communities. The Open Society Initiative for Europe (OSIFE) supports civil society organisations that promote respect for the rule of law, human rights, diversity and minority rights and democratic participation across the member-states of the European Union.

The Fund to Counter Xenophobia is a grant making program of OSIFE. The fund supports civil society organisations that promote policies and practices to combat discrimination and counter xenophobic attitudes and behaviour. The fund supports activities that tackle both the causes and manifestations of xenophobia and its long term goal is to (re)gain a social and cultural consensus in which xenophobic views and practices are considered unacceptable.

Settled migrants and newcomers to European societies, including undocumented migrants and asylum-seekers, face a range of challenges to integration. These include discrimination, restrictions on asylum claims, poor living standards or abusive conditions while in detention and restrictions on access to basic services. Public debate in Europe has come to portray migration in such a negative light that there is now significant public support for, or tolerance of, these policies and practices.

Words frame our perceptions of and understanding of the world. If one would paraphrase George Lakoff and ask the reader to think of an "illegal migrant", it is likely that a particular (and for many people a negative) image is brought to mind, since this is a familiar frame that appears in the media and public debate. However, what of an undocumented migrant or an irregular expatriate? In the last case, one might be puzzled and unsure of what image this evokes. A glossary is a critical and delicate endeavour as terms shape our way of thinking and interpreting reality. In Italy, for instance, an apparently neutral word, "extra-communitarian" has assumed derogatory connotations. While the term originally refers to the old European Economic Community it is now a nearly insulting term referring to non-westerners from countries perceived as non-developed.

The migration debate has been the victim of too many racialized, biased or ideological influences, which have often brought our understanding further from the "truth" and some sort of objectivity, but also from a reasonable understanding of what could be a fair and workable approach. Fears, prejudices and false assumptions have come to taint simple words with their biased connotations.

For this reason OSF considered the initiative of Panos Europe Institute and the United Nations Alliance of Civilizations a worthy endeavour. The project encourages journalists to interrogate themselves and ensure a sense of responsibility in relation to the terms chosen to describe the migratory phenomenon and their implications with regard to the "do no harm" imperative. This makes it more difficult to say "I'm just using the term which is commonly used" as if words are neutral. Journalists have a significant responsibility, they allow us to make sense of reality, and guide us through often overwhelming flows of contemporary information. They need specific tools, such as this glossary, to support their independence, fulfil their mission to depict the world to the best of their knowledge, and look for the truth as a public service towards the common good. ■

Glossary

● Agents of persecution

Agents of persecution are the people or entities who persecute. Persecution[1] is often related to action taken by the authorities of a country. It may also emanate from sections of the population that do not respect the laws of the country. Serious discriminatory or other offensive acts committed by the local populace, can also be considered as persecution if these acts are knowingly tolerated by the authorities, or if the authorities do not offer effective protection.

● Asylum

Asylum is the granting, by a state, of protection on its territory to persons from another state who are fleeing persecution or serious danger. Asylum encompasses a variety of elements, including non-refoulement, permission to remain on the territory of the asylum country, and humane standards of treatment.

● Asylum-seeker

An asylum-seeker is an individual who has crossed an international border and is seeking international protection. In countries with individualized procedures, an asylum-seeker is someone whose claim for asylum has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum-seeker will ultimately be recognized as a refugee, but every refugee is initially an asylum-seeker.

● Best interests of the child

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

United Nations Convention on the Rights of the Child, 1989, Art. 3

This means that governmental bodies, NGOs and other actors concerned, including in certain cases, the media, should place the most importance on the needs of the child when taking actions concerning a child, or making decisions affecting him/her. This does not mean that other considerations cannot be taken into account, but they should not prevail over the interests of the child. It can also sometimes appear that the rights and interests of the child are contradictory. In such cases, it is necessary to balance these competing demands so that the decisions made support the most positive outcome for the child.

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1. Troughout the glossary, different words inside the definitions are underlined. Every word is also defined within the glossary.

● Cessation clauses

Cessation clauses are legal provisions that set out the conditions under which <u>refugee</u> status comes to an end because it is no longer needed or justified. Cessation clauses are found in Article 1C of the 1951 Convention relating to the Status of Refugees.

● Child

A child is generally a person under the age of 18[2], unless the laws of a particular country set a different (for example younger) legal age for adulthood.

● Child abuse

Child abuse consists of any act or omission that may be deliberate or accidental resulting in or likely to result in significant harm to a <u>child's</u> well-being and development. There are four main categories of child abuse: physical, sexual and emotional (sometimes called psychological) abuse and neglect. "Violence" is often used as substitute for the word "abuse". <u>Trafficking</u> and <u>exploitation</u> are manifestations of abuse.

● Child-friendly procedures and approaches

Child-friendly procedures and approaches are ways of working and procedures that ensure that services are provided in a manner that fulfils the rights of the <u>child</u>, taking into account his age and development.

● Child trafficking

Child trafficking is the recruitment, transportation, transfer, harbouring or receipt of a <u>child</u> for the purpose of <u>exploitation</u>, which includes sexual exploitation, <u>forced labour</u> or services, slavery or practices similar to slavery, servitude or the removal of organs.
Child trafficking slightly differs from adult <u>trafficking</u> as elements included in the definition of the act for adults (use of force, coercion, etc.) are not required in the case of children.

● Child vs minor

In a climate where <u>migrants</u> are dehumanized, referring to children as "minors" rather than as "<u>children</u>" has potentially negative connotations and risks their exclusion from the child rights/child <u>protection</u> frameworks.

● Children remaining behind

Many parents have no choice but to leave their <u>children</u> when they migrate, and where regular channels for children to join parents later are limited. Nonetheless,

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2. The Committee on the Rights of the Child has encouraged states to review the age of majority if it set below 18 and to increase the level of protection for all children under 18.

many parents make the difficult decision to migrate, to secure a better life for their children. To draw attention to these structural challenges, the situation should be explained, when possible.

● Children in an irregular migration situation

Children in an irregular migration situation are <u>children</u> whose own migration or residence status is irregular; they are also termed "undocumented" children. Children whose own status is regular but whose parent(s) or caregiver(s) are <u>undocumented</u> are often affected by the <u>irregular migration</u> status of their parent(s) or caregiver(s).

● Children in the context of migration

"Children in the context of migration" or "children affected by migration" are inclusive terms that capture all <u>children</u> whose lives are affected by migration. For analytical, legal or administrative purposes, children are often treated according to various categories such as <u>undocumented</u>, <u>unaccompanied</u>, <u>asylum-seeker</u>, <u>trafficked</u> or <u>remaining behind</u>. However, children affected by migration may transition between various categories within the course of their childhood. Initiatives based on categorization can result in <u>discrimination</u>. Therefore, more inclusive terminology can be at times useful, to foster the comprehensive approach required by the United Nations Convention on the Rights of the Child (CRC). The Committee on the Rights of the Child also uses "children in the context of migration". By the same token, it is important that use of more inclusive terminology should not obscure the particular needs and vulnerabilities of specific groups of children (including asylum-seeking, refugee, <u>stateless</u> and trafficked children) or the international legal frameworks in place for their <u>protection</u>.

Another term used is "children on the move". This term is however narrower than children affected by migration as it does not cover the children remaining behind. Children affected by migration can also include migrant children who are not on the move but have lived many years, or have even been born, in a <u>destination country</u> and consider it their home. This terminology has important consequences as policies for children temporarily in or moving through a country are different to those for children who have been residing in a country for their formative years, and may have the right to remain there, even if their residence is irregular.

● Climate

"*Climate in a narrow sense is usually defined as the average weather [...] over a period of time ranging from months to thousands or millions of years. The classical period for averaging these variables is 30 years, as defined by the World Meteorological Organization.*"

Intergovernmental Panel on Climate Change, 2012

● Climate change

"*Climate change refers to a change in the state of the* climate *that can be identified (e.g. by using statistical tests) by changes in the mean and/or the variability of its properties and that persists for an extended period, typically decades or longer.*"

<div align="right">Intergovernmental Panel on Climate Change, 2012</div>

Climate change is commonly referred to as shorthand for anthropogenic (i.e. man-made) climate change. Climate change should be distinguished from climate variability.

● Climate Change Adaptation (also referred to as CCA or "Adaptation")

"*In human systems, the process of adjustment to actual or expected* climate change *and its effects, in order to moderate harm or exploit beneficial opportunities. In natural systems, the process of adjustment to actual* climate *and its effects; human intervention may facilitate adjustment to expected climate.*"

<div align="right">Intergovernmental Panel on Climate Change, 2012</div>

The concept of adaptation also applies to non-climatic factors such as soil erosion or surface subsidence. Adaptation can occur autonomously (e.g. through market changes) or as a result of intentional adaptation policies and plans. In the context of adaptation, migration is regarded as both an adaptation strategy and a symptom of ineffective adaptation strategies, depending on the context. Displacement, however, is more often regarded as a symptom of ineffective adaptation.

● Climate variability

"*Climate variability refers to variations in the mean state and other statistics (such as standard deviations, the occurrence of extremes, etc.) of the* climate *at all spatial and temporal scales beyond that of individual weather events. Variability may be due to natural internal processes within the climate system (internal variability), or to variations in natural or anthropogenic (i.e. man-made) external forcing (external variability).*"

<div align="right">Intergovernmental Panel on Climate Change, 2012</div>

Variability is part a climate system and is responsible for droughts, floods, storms and other phenomena that occur over relatively shorter time periods. Climate change can impact climate variability, for example, by causing droughts or storms to occur more or less frequently.

● Collective bargaining

Collective bargaining covers all negotiations which take place between an employer, a group of employers or one or more employers' organisations, on one side, and one or more workers' organisations, on the other. Such negotiations may:

    (a) determine working conditions and terms of employment; and/or
    (b) regulate relations between employers and workers; and/or

(c) regulate relations between employers or their organisations and a workers' organisation or organisations[3].

Migrant workers have a human right to organise. International labour standards help protect collective bargaining by discouraging countries from violating workers' rights to associate and collectively bargain[4].

●— Convention refugee

A convention refugee is a person recognized as a refugee by states under the criteria in Article 1A of the 1951 Convention relating to the Status of Refugees, and entitled to various rights under that Convention.

●— Country of destination

Either "country of destination", or "destination country", is the most neutral and accurate term to refer to the country in which a person intends to conclude their journey.

These are preferable to "host country" which connotes that migrants are merely guests and that their stay is dependent on the invitation and at the expense of hosts. "Host country" also feeds the perception that migrants take advantage of benefits and services, but do not make contributions. To ensure that discussion of migration is consistent with human rights, it is essential to recognize that benefits, like social security, and services, like education, health care or shelter, are a right, and not simply a good-will gesture. Migrants are not passive recipients of hospitality and their stay is rarely temporary and non-contributing. Moreover, the response of the receiving or destination country may not be at all hospitable but instead may verge on the hostile and restrictive.

In the context of internally displaced persons (IDPs) the term "place of destination" should be used. In the context of refugees the term "country of refuge" can be used.

●— Country of origin

Country of origin" is a neutral and accurate term to refer to the country from where a migrant, asylum-seeker or refugee originated. It is preferable to "sending country" or "home country".

"Sending country" carries the connotation that the state would take an active part in making workers leave the country to find employment and residence abroad.

"Home" carries certain connotations: it is a place where one lives and a place that creates a feeling of belonging. For many migrants, home is their place of residence in the destination country; they may no longer have a physical residence, family or social unit in their country of origin. The term "home country" discounts the experience of migrants who migrated when they were very young and therefore

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3. ILO Collective Bargaining Convention, 1981 (No. 154).
4. ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

have little or no memory of their country of origin, its language, etc. It is also based on the misconception that all migrants and refugees could eventually go "home" regardless of how long they have stayed, how well they have integrated or conditions in the country of origin. It can fuel racist and anti-migrant '"go back home" campaigns that are often waged against second generation migrants – even when they may never have set foot in the country where their parents were born. Moreover, the term "home country" undermines efforts to integrate migrants and implies the highly damaging assertion that migrants could not, or should not, feel a sense of belonging in the country to which they have migrated.

In the context of <u>internally displaced persons</u> (IDPs) the term "place of habitual residence" should be used.

●— Debt bondage

Debt bondage is the situation that arises when a person pledges their own personal services, or the services of a person under their control, as a method to secure a debt, and when the value of those services pledged (as reasonably assessed) is either not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined[5].

The borrower therefore finds himself/herself in a situation where in spite of all of their efforts, the debt cannot be wiped out. Debt bondage creates a vulnerability for abuse, for example: deception about the nature and conditions of work, retention of passports, deposits and illegal wage deductions, extortionate <u>recruitment</u> fees, threats to workers who want to leave their employers, and, in some instances, physical violence.

●— Decent work

Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men. "Decent work" is a key element to achieving a fair globalisation and poverty reduction. To achieve "decent work" requires job creation, rights at work, social protection and social dialogue, with gender equality as a crosscutting objective[6].

●— Dependent status

Dependent status is a status of reliance upon an employer, partner or family member for the purposes of migration or family reunification (among others). Certain

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5. Art. 1, UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.
6. International Labour Organization Declaration on Social Justice for a Fair Globalization, International Labour Conference, 97th Session, Geneva, 10 June 2008.

channels for regular migration, often for <u>low-wage labour</u> and family reunification, impose conditions that make the <u>migrant's</u> residence status dependent on an employer, partner, or family member.

● Deportation

Deportation is the act of expelling or removing a foreigner from a country, either to the <u>country of origin</u> or to a third country. It can be the outcome of immigration enforcement. In refugee law, deportation of <u>refugees</u> and <u>asylum-seekers</u> to a place where their lives or freedom would be threatened is referred to as *refoulement*: the principle of *non-refoulement* is a key principle of international customary law. According to <u>human rights</u>, refugee law and international humanitarian law, no deportation should take place where it will likely result in violations of the deportee's human rights, <u>persecution</u> or where an asylum-seeker would not receive the <u>protection</u> owed by the <u>destination country</u>. This includes where there is a risk that a person will be returned or transferred by the third country to another country where there is a risk of <u>persecution</u> ("onward" or "chain" *refoulement*).

Therefore, <u>migrants</u> should always have access to legal representation and opportunities to appeal their deportation with suspensive effect. However, these procedural safeguards are not always guaranteed. In some cases, migrants are deported by force, or other forms of coercion, which can lead to physical injuries, trauma or even death. The term "forced return" is applicable, but can imply the person has been "returned to where they belong", by using force, even if using force is far from being the case.

The term "voluntary return" is sometimes used when people comply with deportation orders without force, or accept "assisted voluntary return" (AVR) programmes that offer migrants or asylum-seekers in the process of asylum mechanisms, return, reintegration or cash support to return to their countries of origin. However, the "voluntary" nature of such returns is highly questionable as there may be no real alternative for migrants, other than deportation by force. Even where forced return is not threatened, the prospect of, for instance, lengthy <u>immigration detention</u> may call into question the "voluntariness" of some returns.

The term "voluntary repatriation" is distinct from voluntary return or AVR and refers to the voluntary repatriation of refugees to countries of origin as one of the three <u>durable solutions</u> for refugees. The necessity of ascertaining the "voluntary" nature of the return is critical to the process.

● Diaspora

Diasporas are broadly defined as individuals and members of networks, associations and communities who have left their <u>country of origin</u> but maintain links with their countries of origin. This concept covers more settled expatriate communities, <u>migrant workers</u> temporarily based abroad, expatriates with the citizenship of the receiving or <u>destination country</u>, dual citizens, and second-/third-generation <u>migrants</u>. It refers to a people or an ethnic population that leave their traditional

ethnic homelands, or countries of origin, and are dispersed throughout other parts of the world[7].

●— Disaster

"*A serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources.*"

United Nations International Strategy for Disaster Reduction, 2009

Disasters are often described as a result of the combination of the <u>exposure</u> to a <u>hazard</u>; the conditions of <u>vulnerability</u> that are present; and insufficient capacity or measures to reduce or cope with the potential negative consequences. Disaster impacts may include loss of life, injury, damage to property, destruction of assets, <u>displacement</u> and other outcomes.

●— Disaster induced displacement

Disaster induced displacement is <u>displacement</u> resulting from the threat and/or impact of <u>disasters</u>. This commonly assumes reference to disasters related to <u>natural hazards</u> beyond events or processes. The non-voluntary nature of the movement is central to the definition of displacement. It includes people forced from their homes and people evacuated in order to avoid the effects emanating from the threat of disaster.

It is widely agreed that the vast majority of people displaced by disasters are <u>internally displaced</u>. A smaller number of people are displaced across borders. Where this cross-border movement is linked to weather or <u>climate</u> related events such as floods and storms, the term "climate refugee" has often been applied incorrectly. There is no legal framework and a serious legal gap exists with regard to disaster-induced cross border movements.

Incorrect terms used to describe disaster induced displacement include "climate-change induced displacement", "displacement as a consequence of climate change" or "natural disaster displacement". In terms of <u>climate change</u>, these phrases are incorrect as we cannot yet attribute this displacement to climate change. However, the Intergovernmental Panel on Climate Change (IPCC) has suggested that there is good reason to believe that the frequency and magnitude of these disasters may increase in the future due to human-induced climate change combined with socio-economic and demographic trends. In terms of natural disaster induced displacement, it is important to note that it is not necessarily the natural "event" or hazard – the flood, storm or earthquake – that causes the displacement, but, instead, the disaster that stems from the event. For example, a weak existing infrastructure unable to withstand such hazards could result in disaster induced displacement for some people.

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7. International Organization for Migration, International Migration Law.

● Disaster risk

Disaster risk is the likelihood of a <u>disaster</u> occurring in a given place over a given period of time[8]. Disaster risk is often defined using the formula: Disaster risk = Hazard x <u>Exposure</u> x <u>Vulnerability</u>. This definition of disaster risk reflects the concept of disasters as the outcome of continuously present conditions of risk.

● Disaster Risk Reduction (DRR)

"The concept and practice of reducing <u>disaster risks</u> through systematic efforts to analyse and manage the causal factors of <u>disasters</u>, including through reduced <u>exposure</u> to hazards, lessened <u>vulnerability</u> of people and property, wise management of land and the environment, and improved preparedness for adverse events."

United Nations International Strategy for Disaster Reduction, 2009

Disaster risk reduction denotes both: a) a policy objective and b) the measures employed to achieve this objective.

● Discrimination

The United Nations Committee on the Elimination of Racial Discrimination (CERD), in its General Recommendation No. 20, said that differences in treatment based on citizenship or migration status constitute discrimination if the criteria for different treatment, when judged in the light of the objectives and purposes of the Convention on the Elimination of All Forms of Racial Discrimination, are not applied in pursuit of a legitimate aim or are not proportional to its achievement.

● Displaced populations

Displaced populations are groups or individual people who leave their <u>places of habitual residence</u>, usually due to a sudden impact (or threat thereof), such as an earthquake, flood or conflict, as a coping mechanism and with the intent to return. Displacement can be within a country or across international borders.

● Domestic worker

A domestic worker is an individual who is paid to perform domestic duties such as cleaning, cooking and looking after children or elderly people in the home. This individual often lives and works at the employer's residence. The gender neutral term "domestic worker" is preferred to "domestic helper" or "maid" because it underscores that this individual is a worker with labour rights.

Article 1 of the ILO Domestic Workers Convention, 2011 (No. 189):

  (a) the term domestic work means work performed in or for a household or households;

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8. United Nations International Strategy for Disaster Reduction, 2009.

(b) the term domestic worker means any person engaged in domestic work within an employment relationship;

(c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

● Durable solution

Durable solutions include means by which the situation of <u>refugees</u> or <u>internally displaced persons</u> (IDPs) can be satisfactorily and permanently resolved to enable them to live normal lives. For refugees, a durable solution ultimately allows the refugee to acquire, or to re-acquire, the full <u>protection</u> of a state. The three traditional durable solutions pursued for refugees by the United Nations High Commissioner for Refugees are voluntary repatriation, local integration, or resettlement to a third country. For IDPs, a durable solution is achieved when the IDP no longer has any specific assistance and protection needs that are linked to their <u>displacement</u> and can enjoy their <u>human rights</u> without <u>discrimination</u> on account of their displacement.

● Exclusion clauses

Exclusion clauses are legal provisions in the 1951 Convention relating to the Status of Refugees that deny the benefits of international <u>protection</u> to persons who would otherwise be eligible for <u>refugee</u> status.

In the 1951 Convention, the exclusion clauses are found in Articles 1D, 1E and 1F. These clauses apply to the following categories: persons who are receiving protection or assistance from United Nations agencies other than United Nations High Commissioner for Refugees (e.g. United Nations Relief and Works Agency for Palestine Refugees in the Near East); persons who are recognized by the authorities of the country as having the rights and obligations attached to the possession of nationality of their country of residence; and who may have committed a crime against peace, a war crime, a crime against humanity, a serious non-political crime, or acts contrary to the purposes and principles of the United Nations.

● Exploitation

There is no definition of the term "exploitation" in any legal instrument. Exploitation can be understood as being the act of taking advantage of another for one's own benefit (e.g. sexual exploitation, labour exploitation or the removal of organs).

● Exploitation of children

Exploitation of children consists in using a <u>child</u> for the cash or in-kind benefit of a third party. The United Nations Convention on the Rights of the Child (CRC) refers specifically to the <u>protection</u> of the child against:

Sexual exploitation (Art. 34 CRC): states parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, states parties

shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) the inducement or coercion of a child to engage in any unlawful sexual activity;

(b) the exploitative use of children in prostitution or other unlawful sexual practices;

(c) the exploitative use of children in pornographic performances and materials.

Economic exploitation (Art. 32 CRC): states parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

● Exposure

Exposure refers to a situation where people, property, systems, or other elements present in hazard zones are thereby subject to potential losses[9].

● Family unit principle

The right to family life and family unity are afforded protection in several human rights instruments, including the Universal Declaration of Human Rights (Art. 16), the International Covenant on Civil and Political Rights and the United Nations Convention on the Rights of the Child. According to the various provisions, the right to family life can be the basis for the family members of refugees and migrants to be granted residence and work permits, refugee status and citizenship. When spouses and dependents acquire refugee status by application of the family unity principle, they are said to enjoy "derivative status".

● Forced and voluntary migration

Forced migration describes an involuntary type of migration where an element of coercion exists. Examples of this type of coercion could include environmental disasters, chemical or nuclear disasters, famine, trafficking, war, conflict, human rights violations etc. Voluntary migration describes when people move of their own free will. However, as human mobility becomes more global and frequent, the traditional distinction between forced and voluntary migration has become less clear-cut. This leads to an increasingly compelling argument to address the rights of all migrants in a holistic way, regardless of their motives for migrating and their migration or residence status, while at the same time reinforcing the protections that have been built up in relation to specific groups[10].

At the same time, it is important to acknowledge the important distinctions between refugees – who cannot return to their place of origin even if they want to –

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9. United Nations International Strategy for Disaster Reduction, 2009.
10. Office of the United Nations High Commissioner for Human Rights, Migration and Human Rights: Improving human rights-based governance of international migration.

and other migrants. Promoting the human rights of all migrants is compatible with upholding the existing framework for refugee protection. A concern to use inclusive language and better recognize and protect the human rights of all migrants must not dilute the needs of specific individuals or groups and the international legal framework that has evolved to protect them.

● Forced eviction

"Forced eviction is the permanent or temporary removal of individuals, families and/or communities against their will from the homes and/or land which they occupy, without provision of, and access to, appropriate forms of legal or other protection."

United Nations Committee on Economic, Social and Cultural Rights,
General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 1997

● Forced labour

"All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself or herself voluntarily."

ILO Forced Labour Convention, 1930 (No. 29), Art. 2

The prohibition of forced labour in all its forms is considered to be a peremptory norm of international human rights law, which is therefore absolutely binding and from which no derogation is possible. The principles of the International Labour Organisations (ILO) Conventions No. 29 and No. 105 concerning forced labour have found universal acceptance and endorsement, and have become an inalienable part of fundamental human rights[11].

In recent years, the persistent use of forced labour has been the subject of growing international attention. In June 2012, the ILO estimated that there are at least 20.9 million men, women and children who are victims of forced labour globally, affecting all regions[12]. Those who exact or promote forced labour generate vast illegal profits, with domestic work, agriculture, construction, manufacturing and entertainment among the sectors most concerned. The ILO estimated in 2014 that the total profits obtained from the use of forced labour in the private economy worldwide amount to US$150 billion per year[13].

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11. The two fundamental ILO Conventions on the subject, the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), are among the most widely ratified of all ILO instruments.

12. Of this total, 18.7 million (90 per cent) are exploited by private individuals or enterprises, while the remaining 2.2 million (10 per cent) are forced to work by the state or rebel military groups. Among those exploited by private individuals or enterprises, 4.5 million (22 per cent) are victims of forced sexual exploitation and 14.2 million (68 per cent) of forced labour exploitation. For more information, please see ILO: *Global estimate of forced labour: Results and methodology*, Geneva, 2012.

13. ILO: Profits and Poverty: The Economics of Forced Labour, Geneva 2014.

There is much discussion about the meaning of the terms "human <u>trafficking</u>" and "forced labour" which are sometimes used interchangeably or conflated with "slavery" and "servitude". A pragmatic approach to definitions should be used, recognising that governments, international organisations and other stakeholders have interpreted the concept of "trafficking", as defined in the UN Trafficking Protocol, in different ways in their laws, policies and practices. Trafficking in persons for the purpose of <u>exploitation</u> is encompassed by the definition of forced or compulsory labour in the ILO Convention No. 29.

● Free movement

"Everyone has the right to freedom of movement and residence within the borders of each state.
Everyone has the right to leave any country, including his own, and to return to his country."

Universal Declaration of Human Rights, 1948, Art.13

While free movement is a fundamental right under the Universal Declaration of Human Rights and it puts no restriction on whom these rights apply, it is important to note that the laws or constitution of specific states might restrict this right in the case of <u>migrants</u> who are not regular residents.

Article 12 of the International Covenant on Civil and Political Rights (1966) incorporates this right into treaty law and takes note of possible restrictions on the right of freedom of movement as follows:

(a) Everyone lawfully within the territory of a state shall, within that territory, have the right to liberty of movement and freedom to choose his [or her] residence.

(b) Everyone shall be free to leave any country, including his [or her] own.

(c) The above-mentioned rights shall not be subject to any restrictions except those provided by law, are necessary to protect national security, public order *(ordre public)*, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

(d) No one shall be arbitrarily deprived of the right to enter his [or her] own country[14].

● Freedom of association

Freedom of association and the right to organise are fundamental principles of the free exercise of the rights of workers and employers, without any distinction, to associate for the purpose of furthering and defending their interests. Workers and employers have the right to establish and join organisations of their own choosing.

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14. The United Nations Human Rights Committee has noted (General Comment No. 15) that all foreigners may enjoy the protection of the Covenant, even in relation to entry and residence, when considerations of discrimination, inhuman treatment, or respect for family life arise.

It means that workers should be protected from anti-union discrimination and in particular against refusal to employ them because of their union membership or participation in trade union activities. It also means that workers' and employers' organisations are protected against acts of interference by each other that are designed to promote domination, financing or control[15].

● Gender-based violence

Gender-based violence refers to violence waged against an individual on the basis of his or her gender or perceived gender. It is a broader term than "domestic violence" which implies violence in the home or within a family. Gender-based violence can take place anywhere.

This includes what are sometimes called "honour crimes" or "honour killings". When migrant women are the victims, the use of these terms suggests that female "honour" and the perceived male duty to police it are specific to migrant (and specifically Muslim) communities. In fact, patriarchal attitudes that can result in such violence are not limited to migrants; misogyny manifests itself in different ways in different settings; and so-called honour crimes against women are about maintaining men's perceived honour. So it is preferable to use the term "violence against women."

In addressing the layers of gender and racial discrimination that perpetuate gender-based violence against migrant women, it is essential as well to use language that does not perpetuate the idea that migrants are "the other" and to focus on common experiences of social inequalities.

Women's rights activists prefer even more precision in the case of migrant women. In the context of gender-based violence, some advocate use of the term "survivor of violence" rather than "victim" to underscore that migrant women should not be reduced to their experiences as victims.

● Guiding principles on internal displacement

The guiding principles on internal displacement are a set of 30 principles developed in 1998 by the Special Representative of the United Nations Secretary-General on the human rights of internally displaced persons (IDPs) that identify rights and guarantees relevant to the protection of persons who experienced forced displacement, their protection and assistance during displacement, as well as during their return or settlement and reintegration. The guiding principles reflect and are consistent with international human rights and humanitarian law and provide guidance to the Special Representative, states, other authorities, intergovernmental and non-governmental organizations when addressing internal displacement.

The guiding principles are regarded as "soft law" and are thus not legally binding, so it would be incorrect to refer to a contravention of the guiding principles as being "against international law".

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15. 2007a. ABC of women workers' rights and gender equality, Geneva.

●— Host community

A host community is a community, or individual family households, that temporarily host and share private and public resources with populations of refugees or internally displaced persons (IDPs). Shelter is provided within defined temporary shelter sites, public buildings (camps or collective shelters) or in individual homes or residences. It is largely assumed that in many contexts, particularly in terms of conflict and violence, the majority of IDPs reside or seek refuge with hosts, family or friends, rather than in more traditional camp-like settings. It is important therefore that when we talk about protection and response, we include the needs of the host communities, often already vulnerable, and who can be made even more so as a consequence of incoming IDPs.

●— Human rights

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, migration status or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible[16].

●— Illegal migrant

The term "illegal migrant" should never be used. As any other person, migrants are not "illegal." They are in an "irregular" situation or "undocumented". The term "illegal" is not accurate; it is misleading, contributes to negative stereotyping and criminalises migrants. Irregular entry and stay are administrative offences, not criminal offences; they involve no crimes against persons, property or national security, as noted by the United Nations Special Rapporteur on the Human Rights of Migrants[17]. In 1975 the UN General Assembly adopted a resolution requesting "the United Nations organs and the specialised agencies concerned to utilise in all official documents the term "non-documented or irregular migrant workers" to define those workers that irregularly enter and/or surreptitiously enter another country to obtain work[18].

Similarly, it is never appropriate to refer to asylum-seekers or refugees as "illegal migrants". On the one hand, their reasons for moving are different from those of migrants, and on the other, international law recognizes that those fleeing conflict or persecution may need to cross international borders without authorization and should not be penalized for doing so.

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16. Vienna Declaration and Programme of Action.

17. Report of the United Nations Special Rapporteur on the human rights of migrants to the Human Rights Council (A/HRC/20/24).

18. United Nations General Assembly resolution 3449, 2433rd plenary meeting, 9 December 1975.

In April 2013, the Associated Press changed its stylebook to make using the term "illegal immigrant" incorrect, stating that the term "illegal" should "only refer to an action, not a person". Several other media groups have taken the same decision.

● Immigration detention

Immigration detention is the confinement of individuals without regular migration status in prisons or detention centres, temporarily or for indefinite periods of times, while their cases are being processed by the authorities or the courts. According to international <u>human rights</u> standards, immigration detention should be prescribed by law, a measure of last resort, only for the shortest period of time and when no other less restrictive measure is available. States should take steps to implement alternative measures to immigration detention. <u>Children</u> should not be detained based on their migratory status or <u>irregular entry</u> into the country.

● Internal flight alternative

Internal flight alternative is a factual determination that an <u>asylum-seeker</u> could have avoided <u>persecution</u> in his <u>country of origin</u> by relocating to another part of the same country. This term is not favoured by the United Nations High Commissioner for Refugees (UNHCR) as it is often used to limit access to <u>status determination</u> procedures or to deny <u>refugee</u> status. UNHCR's position is that the possibility of internal relocation is relevant to status determination only in certain limited cases. Even when it is relevant, its application will depend on a full consideration of all aspects of the refugee claim.

● Internally Displaced Persons (IDPs)

Internally displaced persons (IDPs) are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or <u>places of habitual residence</u>, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of <u>human rights</u> or natural or human-made <u>disasters</u>, and who have not crossed an internationally recognized State border"[19].

The definition provided by the <u>Guiding principles on internal displacement</u> highlights two elements: 1) the coercive or otherwise involuntary character of movement; and 2) the fact that such movement takes place within national borders.

Incorrect, but frequently used terms, are "domestic refugees" or "internal refugees". IDPs do not have an internationally recognized status in the same way that <u>refugees</u> are recognized as foreign nationals and protected under the 1951 Convention relating to the Status of Refugees. However, IDPs have rights under national and international law and should be protected on this basis.

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19. United Nations, Guiding Principles on Internal Displacement, 1998.

We should also not use "IDP status": while the term "refugee" implies a specific legal status under international law, the use of the term IDP does not. In most countries there is no legal status for IDPs as a group. In some contexts, singling out IDPs from the broader population by giving them a special legal status can run the risk of increasing their exposure to <u>discrimination</u>.

● Irregular or unauthorized entry or admission

"[Irregular] entry" shall mean crossing borders without complying with the necessary requirements for [regular] entry into the receiving State"

> Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000, Art. 3(b)

● Irregular or undocumented migrant

There is no universally accepted legal definition of an irregular <u>migrant</u>. An irregular migrant can be described as a person who, owing to <u>irregular entry</u>, the expiring of his or her visa, the rejection of his <u>asylum</u> application or other reasons, lacks legal status in a transit or <u>country of destination</u>[20].

The Global Commission on International Migration (GCIM) defined irregular migrants as those "who enter or remain in a country without authorization, those who are <u>smuggled</u> or <u>trafficked</u> across an international border, and unsuccessful <u>asylum-seekers</u> who fail to observe a <u>deportation</u> order". The term "irregular" is preferable to "<u>illegal</u>" because the latter carries a criminal connotation, will often be legally incorrect and is seen as denying migrants' humanity and the right to be recognized as a person before the law. In the case of asylum-seekers and <u>refugees</u>, it also fails to acknowledge the <u>protection</u> afforded by international refugee law against penalization for unauthorized entry or stay to those fleeing conflict or <u>persecution</u>.

In 2010, the Global Migration Group (GMG) expressed its deep concern about the <u>human rights</u> of international migrants in an irregular situation around the globe, concluding that they are more likely to face <u>discrimination</u>, exclusion, abuse and <u>exploitation</u>. The GMG noted that the irregular situation in which international migrants may find themselves should not deprive them of either their humanity or their human rights[21].

● Irregular migration

Irregular migration is a cross-border movement that takes place outside the regulatory norms of the <u>countries of origin</u>, transit and <u>destination</u>. From the perspective of the country of destination it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations.

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20. Global Migration Group, International Migration and Human Rights, 2008.
21. Statement of the Global Migration Group on the Human Rights of Migrants in an Irregular Situation, 30 September 2010.

From the perspective of the country of origin, the irregularity is, for example, seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country[22].

● Labour market

A labour market concerns the activities of hiring and supplying certain labour to perform specific jobs, and the process of determining how much shall be paid to whom in performing what tasks. In addition, the definition covers the way in which wages move and the mobility of workers between different jobs and employers.

The expression labour market does not mean that there is a physical market place; rather, the labour market is to be seen as a 'place' in economic theory where labour demand and supply interact. The labour market as a whole is divided into a number of submarkets, including regional and sectorial markets, as well as markets for specific trades, skills and categories of persons.

● Labour migration

Labour migration is defined as the movement of persons from one geographical location to another in order to find gainful employment. International labour migration involves the crossing of a border for the same purposes. In terms of economic theory there is no difference between internal (e.g. rural to urban) and international labour migration. Differences stem from legal issues that arise if someone wishes to take up employment in a foreign country or when an employer reaches over a border to recruit a worker.

In 2013, there were an estimated 232 million international migrants in the world (defined as persons outside their country of origin for 12 months or more) and approximately half of them were estimated to be economically active (i.e. being employed or seeking employment). Indeed, migration today is largely linked, directly or indirectly, to the world of work. Besides individuals crossing borders in search of employment, there are also accompanying family members who may end up in the labour market of the destination country; and training and education opportunities abroad may lead to employment, to give but two examples.

● Labour mobility

Labour mobility is generally defined as meaning the movement of workers between occupations or between geographic locations.

● Labour standards

International labour standards have grown into a comprehensive system of instruments on work and social policy, backed by a supervisory system designed to address all sorts of problems in their application at the national level.

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22. International Organization for Migration, International Migration Law.

International labour standards are legal instruments drawn up by the International Labour Organisation's (ILO) constituents (governments, employers and workers) that set out basic principles and rights at work. They are either conventions or recommendations. Conventions are legally binding international treaties that may be ratified by member states. Recommendations, on the other hand, serve as non-binding guidelines. In many cases, a convention lays down the basic principles to be implemented by ratifying countries, while a related recommendation supplements the convention by providing more detailed guidelines on how it could be applied. Recommendations can also be autonomous (i.e. not linked to any convention).

●– Low-wage labour vs low-skilled labour

The term "low-wage labour" is sometimes used to define workers in certain employment sectors by the amount they are paid. Low-wage sectors include domestic work, construction work, agricultural work and other forms of manual labour that are considered dirty, dangerous and difficult.

Another common term is "low-skilled labour." It should be used with caution because it can imply a negative value judgment regarding the workers' experience, proficiency and capacity for growth. It also does not take into account that there are a variety of skill levels within the general rubric of "low-skilled labour", that workers have training as well as knowledge, competency and efficiency in their work. Caution is also required when using this term in relation to migrant workers. Many of them are confined to particular sectors regardless of their skills. Women in particular, are subject to discrimination that confines them to low-wage sectors.

●– Mandate refugee

A mandate refugee is a person who is recognized as refugee by the United Nations High Commissioner for Refugees acting under the authority of its statute and relevant United Nations General Assembly resolutions. Mandate status is especially significant in states that are not parties to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol.

●– Migrant

There is no internationally recognized definition of migrants. The International Federation of Red Cross and Red Crescent Societies' policy on migration describes migrants as people who leave or flee their places of habitual residence to go to a new place, across international borders or within their own state, to seek better or safer perspectives. Migration can be forced or voluntary, but most of the time a combination of choices and constraints are involved, as well as the intent to live abroad for an extended period of time.

Although asylum-seekers and refugees often travel alongside migrants in so-called "mixed flows", they have specific needs and are protected by a specific legal framework: they should generally not be conflated with migrants.

●– Migrant domestic worker

Migrant <u>domestic workers</u> are individuals who move to another country or region to better their material or social conditions and improve the prospects for themselves or their family, and who are engaged in a work relationship performed in or for a household or households[23].

The ILO Domestic Workers Convention, 2011 (No. 189) sets standards for migrant domestic workers:

– A written contract that is enforceable in the <u>country of employment</u>, or a written job offer, prior to traveling to the <u>country of employment</u> (Article 8).

– Clear conditions under which migrant domestic workers are entitled to repatriation at the end of their employment (Article 8).

– <u>Protection</u> of migrant domestic workers from abusive practices by private employment agencies (Article 15).

– Co-operation among [<u>origin</u>] and [<u>destination</u>] countries to ensure the effective application to migrant domestic workers of the provisions of the Convention (Article 8).

●– Migrant worker

"The term "migrant worker" refers to a person who is to be engaged or has been engaged in a remunerated activity in a state of which he or she is not a national."

United Nations Convention on the Protection of the Rights of all Migrant Workers
and Members of their Families, 1990, Article 2(1)

●– Migration corridor

A migration corridor is the migratory pathway between two different countries whereby individuals born in or holding the nationality of a certain country move to another country[24].

●– Natural hazard

"Natural process or phenomenon that may cause loss of life, injury or other health impacts, property damage, loss of livelihoods and services, social and economic disruption, or environmental damage."

United Nations International Strategy for Disaster Reduction, 2009

Natural hazards are a sub-set of all hazards and have given rise to the term "natural <u>disasters</u>" due to the prominent role that hazards play, especially in major catastrophes. Natural hazards include weather events or processes related to rainfall, wind and extreme temperatures, such as floods, storms, droughts, heat and cold waves, landslides and wild fires; and geophysical events such as volcanic eruptions

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23. International Organization for Migration, International Migration Law and ILO Domestic Workers Convention, 2011 (No. 189).

24. International Organisation for Migration, International Migration Law.

and earthquakes. Biological hazards such as plagues of insects or rodents and epidemics are also often included. Sometimes hazards act in combination (e.g. earthquake-triggered tsunamis, rain-triggered landslides, cyclone-triggered storm-surges). Processes such as urbanization, environmental degradation and climate change shape and configure hazards, thus it is becoming increasingly difficult to disentangle their natural and human attributes.

● Pastoralists (pastoral communities)

Pastoral communities, mostly found in Africa, are those in which a significant portion of the combined total value of marketed production and value of subsistence production consumed within the household comes from livestock or livestock-related activities. The communities have a high degree of mobility, guided by the need for managed access to water and grazing land. This often takes place without regard to state borders.

Internally displaced pastoralists are defined by the Internal Displacement Monitoring Centre (IDMC) as "persons or communities who have lost access to their habitual pastoral living space:
   – as a result of or in order to avoid the impacts of conflict, violence, human rights violations, cattle rustling, natural or human-made disasters, or similar sudden onset events;
   – as a result of drought, environmental degradation or similar slow onset processes;
   – due to direct intervention by state or private actors;
   – or due to a combination, sequence or accumulation of any of the aforementioned causes, and who have not crossed an internationally recognized state border."

● Persecution

Persecution was not defined in the 1951 Convention relating to the Status of Refugees to allow for its ever-changing forms. It continues to encompass human rights abuses and serious harm, which may or may not be repetitive.

● Prima facie refugee

A prima facie refugee is a person recognized as a refugee, by a state or the United Nations High Commissioner for Refugees, on the basis of objective criteria related to the circumstances in his country of origin. These circumstances justify a presumption that they meet the criteria of the applicable refugee definition.

● Principle of non-refoulement

The principle of non-refoulement is a core principle of international refugee law that prohibits states from expelling or returning (*refouler*) "a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social

group or political opinion". This principle is clearly expressed by Article 33 of the 1951 Convention relating to the Status of Refugees. It is also widely recognized as a rule of customary international law and is therefore binding on all states, whether or not they are parties to the 1951 Convention.

● Profiling of internally displaced persons

Porfiling of <u>internally displaced persons</u> is a collaborative process whereby data on individuals or groups who have been internally displaced is collected, with the purpose of informing advocacy on their behalf, improving <u>protection</u> and assistance interventions and, ultimately, finding a <u>durable solution</u> to <u>displacement</u>.

● Protection

Protection broadly encompasses activities aimed at obtaining full respect for the rights of all individuals in accordance with international law – international humanitarian, <u>human rights</u> and <u>refugee</u> law – regardless of their age, gender, social ethnic, national, religious, or other background[25].

● Recruitment

Recruitment of <u>migrant workers</u> happens through informal and formal networks that seek to match labour supply and demand. Often, private employment agencies play this role and negotiate the terms of employment with employers on behalf of the migrant. The ILO Private Employment Agencies Convention, 1997 (No. 181), Article 8 establishes that "where workers are recruited in one country for work in another, the members concerned shall consider concluding bilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment."

Private employment agencies play a legitimate role in the <u>labour market</u>. However there are concerns about the proliferation of informal labour brokers, which at times can exacerbate the risk of abuse, <u>forced labour</u> and human <u>trafficking</u> among migrant workers[26].

In a fair recruitment arrangement, private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers[27].

● Refugee

A refugee is a person who meets the eligibility criteria under the applicable refugee definition, as provided for in international or regional refugee instruments, under the United Nations High Commissioner for Refugees' mandate, and/or in national legislation.

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25. Inter-Agency Standing Committee.
26. The cost of coercion, Global Report under the Follow-up of the Declaration on Fundamental Principles and Rights at Work, Geneva, 2009.
27. ILO Private Employment Agencies Convention, 1997 (No. 181), Article 7.

The most important definitions of a refugee contained in international documents are:

• *Statute of the Office of the United Nations High Commissioner for Refugees (Art. 6.A (ii) of GA/UN Resolution 428 (V) of 14 December 1950):*
Any person who, as a result of events occurring before 1 January 1951 and owing to well-founded fear of being <u>persecuted</u> for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the <u>protection</u> of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to return to it.

• *1951 Convention relating to the Status of Refugees Art. 1A (2):*
As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (Slightly different because the 1951 Convention takes into consideration the membership of a particular social group as one of the 5 grounds).

• *1967 Protocol relating to the Status of Refugees Art. 1.2:*
For the purpose of the present Protocol, the term "refugee" shall, except as regards the application of paragraph 3 of this article, mean any person within the definition of Article 1 of the Convention as if the words "As a result of events occurring before 1 January 1951 and" and the words "a result of such events", in Article 1 A (2) were omitted.

●─ Refugee *sur place*

A refugee *sur place* is a person who was not a <u>refugee</u> when he left his <u>country of origin</u>, but who becomes a refugee at a later date, owing to intervening events. Refugees *sur place* may owe their fear of <u>persecution</u> to a change in the country of origin, such as through a coup d'état, or to political activities undertaken in the country of refuge (<u>country of destination</u>).

●─ Rescue at sea

Rescue at sea is a situation in which a vessel provides assistance to person or ship in distress at sea. The duty to rescue those in distress at sea is firmly established by both treaty and customary international law. The state responsible for the coordination of the rescue effort will negotiate disembarkation to a place of safety. The state providing assistance can refuse the unloading of the ship and may require that the crew leave its territory. It may also place conditions on the disembarkation

that must be met by the flag state, a third state, or an international organisation, such as resettlement, an interview, return, etc.[28]

As well as the law of the sea, states and others undertaking rescue operations must be mindful of their obligations under international human rights and refugee law. In particular, rescued asylum-seekers and refugees must not be returned to a place where their lives or freedoms are at risk, and they must be given an opportunity to seek asylum.

●– Resilience

"The ability of a system, community or society exposed to hazards to resist, absorb, accommodate to and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions."

United Nations International Strategy for Disaster Reduction, 2009

Resilience refers to the ability to "spring back from" or manage change brought by a shock or stresses without compromising long-term prospects. The resilience of a community (or an individual) in respect to potential hazard events is determined by the degree to which the community (or the individual) has the necessary resources and is capable of organizing itself both prior to and during times of need. Resilience can be measured in many ways, such as how quickly or how much a community bounces back after a disaster.

●– Returnees

Returnees are former migrants or displaced people that have returned to their homes. In many contexts, returnees face the risk of becoming internally displaced when they are unable to return to their homes and land due to on-going insecurity for example, and/or are unable to find a durable solution.

●– Refugee Status Determination (RSD)

Refugee status determination consist in legal and administrative procedures undertaken by the United Nations High Commissioner for Refugees and/or states to determine whether an individual should be recognized as a refugee in accordance with national and international law.

●– Seasonal worker

"The term "seasonal worker" refers to a migrant worker whose work by its character is dependent on seasonal conditions and is performed only during part of the year."

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990, Art. 2

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28. International Organisation for Migration, International Migration Law.

The term "seasonal worker" is preferred to terms like "guest worker", which imply a guest/host relationship that is not based on equal labour rights. Migrants often face difficulties finding permanent employment and fill many temporary positions as seasonal workers, facing frequent transitions from one job to the next. Their actual stay is rarely temporary as they frequently move to fill demand in, for example, different agricultural sectors throughout the year.

● Separated children
Separated children are those separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.

● Smuggled person/migrant
A "smuggled person" or "smuggled migrant" is a migrant who is enabled, by providing financial or material benefit a third party, to gain irregular entry into a state of which he or she is not a national or a permanent resident.

● Smuggler (of migrants)
A smuggler is an intermediary who moves a person with their agreement, in order to transport him/her in an unauthorized manner across an internationally recognized state border[29]. The smuggler is not necessarily a trafficker as he/she does not necessarily have the intention of exploiting the person.

● Smuggling (of migrants)
"The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the [irregular] entry of a person into a state party of which the person is not a national or a permanent resident".

> Art. 3(a), United Nations Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000

Smuggling, contrary to trafficking, does not require an element of exploitation nor coercion, or violation of human rights.

● Social justice
Social justice, as defined by the International Labour Organisation's Declaration on Social Justice for a Fair Globalization, is the outcome of developed and established measures of social protection, measures that are sustainable and adapted to national circumstances, and – significantly – extend social security to all. Achieving social justice means that full and productive employment and decent work, as well as social protection, are at the centre of economic and social policies.

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29. International Organisation for Migration, International Migration Law.

●― Stateless person

"The term "stateless person" means a person who is not considered as a national by any state under the operation of its law."

Convention Relating to the Status of Stateless Persons, 1954, Art.1

There are many scenarios that can lead to a person's statelessness. For example a person can become stateless when a state dissolves and separates into different states, or through decolonisation processes. Other examples include conflicting laws regarding how nationality is granted (nationality through descent versus birth on the territory), or when birth registration does not take place systematically and unregistered children are later unable to prove their nationality[30].

●― Subsidiary protection

Subsidiary protection is, along with underlined refugee status, a form of international protection which is granted in Europe to a third country national or to underlined stateless persons who are in need of an international protection but who do not fulfil all the requirements to be provided with refugee status.

Subsidiary protection is defined in the Article 2(e) of the EU Directive 2004/83 which identifies the person eligible for subsidiary protection as "a third country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her underlined country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm" and "is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country".

The content of this serious harm is fully expressed in the Article 15 of the same Directive and consists of:

    (a) Death penalty or execution;

    (b) Torture or inhuman or degrading treatment or punishment of an applicant in the country of origin;

    (c) Serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

●― Trafficker

A trafficker is the person who commits the act of underlined trafficking and is therefore involved in the movement of persons for the purpose of underlined exploitation.

●― Trafficking in persons

"The underlined recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of

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30. United Nations High Commissioner for Refugees.

fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of <u>exploitation</u>".

United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, 2000, Art. 3(a)

Trafficking in persons can take place within the borders of one state or may have a transnational character.

●– Unaccompanied children

Unaccompanied children are <u>children</u> who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so[31].

●– Undocumented migrant worker

An undocumented <u>migrant worker</u> is someone who is engaged in employment without authorization or without authorization to do the specific work they are engaged in (i.e. they are allowed to work only in a particular sector, etc.). Authorization to work is often linked to a single employer and dependent on the employer making the application and/ or submitting various documents and a fee. Under these conditions, <u>migrant workers</u> are vulnerable to losing their status or working irregularly in poor conditions, with the promise that the employer will regularize their status or under the false pretence that they have.

●– Unreturnable

Unreturnable migrants cannot <u>return</u> or be <u>deported</u> to their countries of origin, for example, due to <u>human rights</u> concerns, lack of possibilities for a safe passage, or problems in acquiring necessary documentation from their <u>country of origin</u>. At the same time, they are not given formal permission to stay in the <u>country of destination</u> or a formal residence status. This leads to protracted and indefinite periods of legal and administrative uncertainty, with restricted access to services and risk of frequent apprehensions and <u>detention</u>, often for long periods. The term "unreturnable" is preferred to "non-removable", as the latter insinuates that an individual has no self-determination and creates the perception of being a physical burden to the country of destination.

●– Victim of human trafficking

A victim of human trafficking is any person who is subject to <u>trafficking in persons</u>.

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31. United Nations Convention on the Rights of the Child, 1989.

●− Vulnerability

"The characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard."

United Nations International Strategy for Disaster Reduction, 2009

In the context of <u>disaster risk reduction</u>, vulnerability defines whether people or property to suffer damage and loss when exposed to a given hazard. There are many aspects of vulnerability, arising from various physical, social, economic, and environmental factors. Examples of vulnerability include: poor design and construction of buildings, inadequate protection of assets, lack of public information and awareness, limited official recognition of risks and preparedness measures, and disregard for environmental management.

●− Worst forms of child labour

" (a) all forms of slavery or practices similar to slavery, such as the sale and <u>trafficking of children</u>, <u>debt bondage</u> and serfdom and <u>forced or compulsory labour</u>, including forced or compulsory <u>recruitment</u> of <u>children</u> for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children."

ILO Convention concerning the Prohibition and Immediate Action for
the Elimination of the Worst Forms of Child Labour, 1999 (No.182)

●− Xenophobia

"Xenophobia consists of highly negative perceptions and practices that <u>discriminate</u> against non-citizen groups on the basis of their foreign origin or nationality [...] Acts of violence, aggression and brutality towards <u>migrant</u> groups represent extreme and escalated forms of xenophobia."

UNDP, Human Development Research Paper 2009/47, Xenophobia,
International Migration and Human Development, September 2009

Xenophobia is an ambiguous term. It can be against non-citizens but it can also be based on the perception that a person is an outsider or foreigner. Therefore, it is based on a real or perceived "foreignness".

Common Acronyms and Abbreviations

CERD	United Nations Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CRC	United Nations Convention on the Rights of the Child
CRC	Committee on the Rights of the Child
DRR	Disaster risk reduction
GCIM	Global Commission on International Migration
GMG	Global Migration Group
IASC	Inter-Agency Standing Committee
ICCPR	International Covenant on Civil and Political Rights
ICRMW	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families
IDMC	Internal Displacement Monitoring Centre
IDP	Internally displaced persons
IFRC	International Federation of Red Cross and Red Crescent Societies
IOM	International Organization for Migration
ILO	International Labour Organisation
IPCC	Intergovernmental Panel on Climate Change
OHCHR	Office of the High Commissioner for Human Rights
PICUM	Platform for the International Cooperation on Undocumented Migrants
TDH	Terre des Hommes
RSD	Refugee status determination
UDHR	Universal Declaration on Human Rights
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNISDR	United Nations International Strategy for Disaster Reduction
UNRWA	United Nations Relief and Works Agency
WMO	World Meteorological Organization

" Words matter. When a word is used to describe someone, it can build that person up or put that person down. The fact is that no one likes to be called names. Even small children in a playground know that words can hurt. The way we refer to others implies the opinion we have of them. So, using the proper vocabulary when speaking of someone is not a matter of superfluous courtesy. It is a matter of respect! Indeed, respect is the word that must be at the center of all human interaction.

I am an immigrant. I am part of a network of millions of people who are away from their homeland. Most immigrants can attest to painful experiences of hearing others refer to them in ways that imply that they are less: less capable, less important, less human. Just as social ethical conduct has come to recognize that human dignity is not based on aspects such as race, gender, or religion, in the same manner my human dignity cannot be based on my immigration status. I am a human being, and I yearn to be treated in a way that recognizes that I am not a second-class being, but I am a person, fully human.

As an immigrant, I thank and applaud the effort of the United Nations Alliance of Civilizations and the Panos Institute to better understand migration terminology and apply it in ways that are respectful, through this Media-Friendly Glossary on Migration. I hope this glossary will help you avoid making the mistake of inadvertently using offensive words, and may this resource assist you to interact with the world of migration with a clearer vision. "

VANESSA RUSSO
Brazilian Immigrant, Orlando, FL, USA

" The movement of people from one place to another in search of a better life is an inherent dimension of humankind. Perceptions of this phenomenon have influenced the discourse and actions of opinion leaders and decision makers concerning migration governance throughout history. Broken immigration systems and measures to restrict human mobility are often based on distorted and politicized perceptions of migrants, who are blamed as the source of economic, social, cultural and political problems.

The **Media-Friendly Glossary on Migration**, published by the United Nations Alliance of Civilizations and the Panos Institute, is an important instrument supporting the use of appropriate terminology on migration. "

LEONIR CHIARELLO
Executive Director Scalabrini International Migration Network – SIMN

" In most cases, the news ends up being diluted from its original interpretation to fit the set terms or patterns of journalism or reporting systems, which often shifts the accuracy of actual information from the ground level. Depending on the case, this shift miscommunicates, under estimating or over estimating the situation, influencing the outcome, perception or response to the situation. In the news about migrants or refugees, these misinterpretations usually affect in a distracting manner in terms of safety or security reason's and many other livelihood concerns. I would like to congratulate the United Nations Alliance of Civilizations and the Panos Institute for promoting more accurate language on migration in the media through this Glossary. "

EVE HANDISENI
Immigrant from Zimbabwe, Cape Town, South Africa