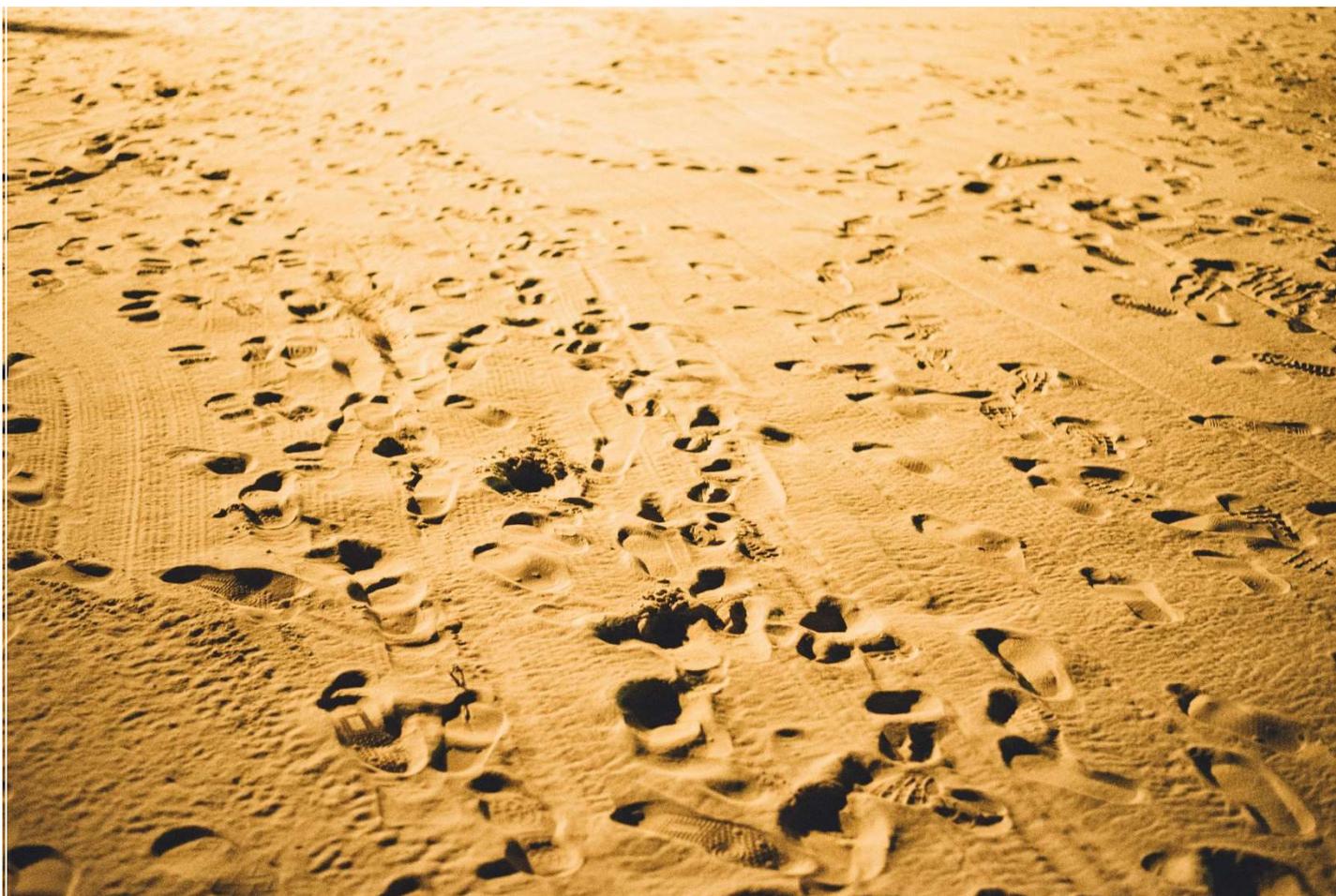




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POLICY BRIEFING: PROTECTING ENVIRONMENTAL MIGRANTS THROUGH HUMAN RIGHTS-BASED RELOCATION SCHEMES

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Who is this briefing for?

This briefing is aimed at policy-makers, practitioners and advocacy organisations in the fields of:

- human rights, particularly the rights of refugees, migrants and children;
- climate change and disaster mitigation and response;
- defence and security;
- immigration and resettlement;
- education, healthcare and child protection.

This briefing provides an insight into the complex topic of environmentally related migration and gives evidence-based solutions to current protection gaps, with a particular focus on child migrants.

The challenge

Environmental change, including climate change, contributes to the migration of tens of millions of people each year.¹ These changes include sudden-onset disasters such as hurricanes and floods, and slow-onset changes such as desertification and rising sea levels. Most people who migrate stay within their country of origin, but some cross country borders in their search for safety, security and an adequate standard of living.

Currently, most people who leave their country for environmental reasons do not have access to refugee status or other protection, although some are given humanitarian visas or other temporary stay in destination countries. This protection gap already leaves the human rights of millions of people unmet and there is evidence that climate change is pushing increasing numbers of people into unsafe migration.²

Recent research conducted at the University of Hull has shown that environmental migration is a complex issue: people leave their homes for multiple intersecting reasons, of which environmental change may be one exacerbating factor.³ Given the complexity of environmentally driven migration, and the fact that all human beings are entitled to their basic human rights regardless of their migration status, this policy briefing urges all actors to concentrate efforts on protecting the rights of people on the move rather than focusing on the reasons for their migration.

¹ IDMC (2023) Global internal displacement database. Available at: www.internal-displacement.org/database/displacement-data; UNHCR (2023) Climate change and disaster displacement. Available at: www.unhcr.org/what-we-do/build-better-futures/environment-disasters-and-climate-change/climate-change-and

² IPCC (2022) Climate change 2022: impacts, adaptation and vulnerability: summary for policymakers. Geneva: IPCC.

³ Fleury, S. (2023) Applying the 'useable past' to the protection of climate migrants: child displacement from Vietnam and Montserrat, 1975-2000. Available at: <https://hull-repository.worktribe.com/output/4311824>

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Children face particular risks and harms when migrating and during resettlement. These risks are magnified for children who are travelling unaccompanied by, or separated from, their parents and other family members. While experiencing all the risks faced by adult migrants – including risk of death, exploitation and abuse – people under the age of 18 also risk losing their rights as children. These include the rights to education, to play, to age-appropriate protection, to be heard, and to meet their development potential. While many children exercise outstanding levels of agency and decision-making during migration, they may also be trafficked, exploited or otherwise extremely vulnerable to abuse and human rights violations. These risks and vulnerabilities can be especially acute for children whose migration is deemed to be “economic”, which often includes children migrating for reasons related to environmental destruction and climate change.

One solution: Planned relocation and resettlement

One form of safe and legal migration for environmental migrants is the planned relocation of families and communities. Planned relocation and resettlement in a new location is a legitimate form of adaptation to climate change and other environmental change when it is conducted in a way that respects the human rights of the relocatees. Relocation can be pro-active (before the event) or reactive (after the event). It takes many forms along a spectrum, from small schemes that relocate a small number of households to a safer location near their homes, to large programmes that may see the evacuation and relocation of a large community following, or in anticipation of, a major disaster. Some relocation schemes are temporary, such as bilateral labour migration programmes that allow people to work for a short time in another country. Others are likely to become permanent, such as the evacuation of an island population away from rising sea-levels. There is no one-size-fits-all approach. Open-minded, inventive solutions are needed to meet the various environmental risks facing different communities globally. Carefully designed relocation programmes benefit both sending and receiving areas as well as the relocatees themselves.

Nevertheless, relocation and resettlement programmes are only acceptable when the human rights of relocatees – and host communities – are met. This includes involving potential relocatees in decisions about whether, when and how to relocate and the location and conditions of resettlement. Policy-makers and advocates can be involved in three ways:

1. Calling for relocation and resettlement programmes to be set up to meet communities’ needs.
2. Designing human rights-based and context-appropriate relocation programmes.
3. Ensuring that such programmes respect, protect and fulfil the human rights of relocatees, people who remain in situ and host communities, through monitoring and evaluation.

Intersectionality should always be considered when designing programmes to support the human rights of migrants, including children. Intersectionality involves ensuring all the protected characteristics of individuals are respected without discrimination. In other words, programmes for relocation must be designed to prevent discrimination or disadvantage on the basis of race, gender identity, sexual orientation, disability, language, religion, political or other opinion, national or social origin, property, birth or other status.

Moreover, nobody should face discrimination based on the manner of their migration. People migrating outside of planned relocation and resettlement schemes are also entitled to respect for their human rights at every stage of their journey. This includes irregular migrants.

Recommendations for policy and advocacy

This list of recommendations is not exhaustive. There are numerous other safeguards required to ensure all migrants can attain the highest level of human rights realisation before, during and after their journeys. This list is proposed as a minimum set of requirements to ensure fulfilment of the human rights of people participating in relocation and resettlement programmes, as well as people who choose to remain in situ.

Recommendations for human rights-based programme design

1. States, advocacy organisations and the international community should consider assisted relocation and resettlement as one legitimate form of adaptation to climate and environmental change, which benefits both sending and receiving areas as well as migrants themselves.
2. The design and implementation of relocation and other migration schemes should be based in existing human rights principles. The full range of human rights of all migrants/relocatees should be respected, protected and fulfilled at each stage of their journey and resettlement, regardless of the reason for their migration and their legal status.
3. Relocation schemes should always improve, or at a minimum restore, human rights realisation and living standards for the relocatees. Nobody should be made worse off as a result of relocation, and relocation/migration must never be used as a reason to deny an individual their human rights.
4. Relocation and resettlement schemes are not one-size-fits-all. They can range from small-scale, bilateral labour migration schemes to large-scale, permanent resettlement of entire populations across multiple countries. Each scheme must be tailored to the particular needs of the community as well as circumstances in the sending and receiving areas. This also means that the same site may not be suitable for all members of a relocated community; i.e. a choice of multiple locations may need to be offered to relocatees, weighed against the risks of dispersal.
5. Except where essential to protect the human rights of relocatees, dispersal of relocated communities in the host country/region should be avoided to prevent splitting up pre-existing communities, hindering realisation of cultural rights and driving secondary migration. Where practical, any pre-existing micro-communities such as extended families and school- and faith-based communities should be moved together to allow support networks to continue, unless this goes against the wishes of the relocatees themselves. Relocatees and other migrants should nevertheless have the freedom to move within the host country – or return to their former home – if they so wish, in line with the human right to freedom of movement.
6. People who choose to stay in situ and not participate in relocation and resettlement should not be penalised for their decision or treated any less favourably than those who choose to migrate. People who choose to stay should be given every opportunity to realise their full range of human rights in situ, including through appropriate environmental/climate adaptation measures where necessary.
7. Potential candidates for planned relocation and resettlement should always be fully consulted about their preferences, including the option to remain in situ if they so choose. Consultations should include the timing, manner, location and duration of resettlement as well as any compensation for land or property lost. In order to make an informed decision, candidates must be provided with sufficient information about their options in line with the human right to receive and impart information. This includes providing information that is appropriate to all ages, including children, and in formats that are accessible to all.

8. Interventions should be made to assist migrants and relocatees in regularising their status as early as possible in their journey; preferably before they leave their homes. This will prevent some instances of irregular, unsafe migration and its associated risks and harms.
9. Steps must be taken to prevent discrimination and marginalisation based on protected characteristics before, during and following relocation and resettlement. This includes preventing discrimination in the process of choosing candidates for relocation (for example, by making labour migration schemes open to people of all ethnicities); preventing discrimination during relocation (for example, by making the journey safe and accessible for people with disabilities); and preventing marginalisation and assisting integration following resettlement (for example, by tackling racism and other hostility in the host community).
10. Relocatees, refugees and other migrants should have access to the same rights and services, in law and in practice and without discrimination, as citizens of the host country. This applies during the journey (for example, in transit camps) as well as in the final resettlement location. Particular attention should be paid to making services available and appropriate for marginalised groups, for example by providing appropriate health care for LGBTI people and suitable education for children of different ages.
11. Those relocating permanently to another country should have the option to regularise their status in the host country at the earliest opportunity, ideally via routes to citizenship.
12. Support should be provided to relocatees for settling in, orientation, language training and other integration activities in a manner that realises their economic, social, cultural, political and civil rights. While individuals and charities may wish to contribute their resources and expertise, such activities should not rely wholly on voluntary organisations or individuals; support should be centrally funded by the host state, provided equitably and consistently, and meet the needs of all members of the relocated community, including those who may be marginalised or disadvantaged.
13. Links should be maintained and encouraged with the sending country/community where this is possible and desired by the relocatees, to allow relocatees to stay in touch with people who remain in situ, to maintain and benefit from any property still held in the area and to visit, where practical.

Recommendations for protecting children

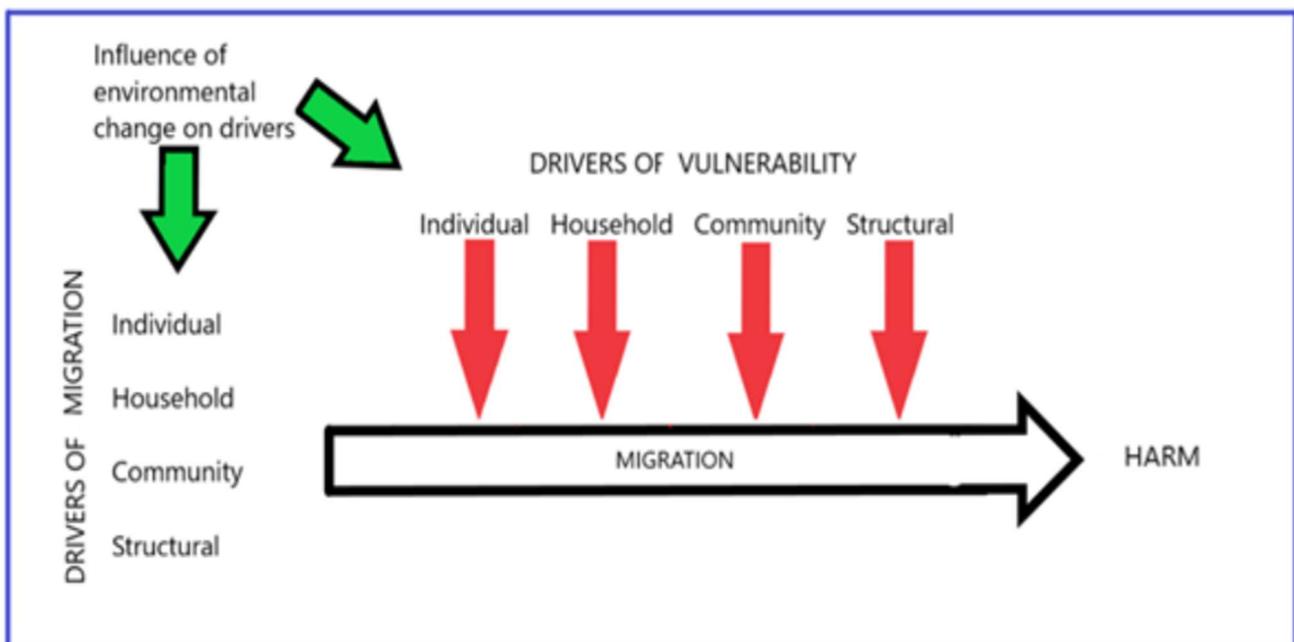
1. In all migration scenarios, children should be able to make independent claims to resettlement and/or asylum based on their specific needs, while remaining entitled to family reunification.
2. Families should always be supported to stay together throughout the journey and following resettlement, except where family unity is not in the best interests of the individual family members – including children – as determined on a case-by-case basis with the wishes of the individuals taking precedence.
3. Decisions based on the best interests of a child migrant or relocatee should always take into consideration the child's individual wishes and their evolving capacities and agency.
4. Repatriation of children should be avoided unless it is determined to be in the child's best interests and conducted with their genuine, uncoerced consent, and once sufficient protections against *refoulement* and other human rights harms are in place. Diplomatic assurances of safety and non-discrimination are alone an insufficient safeguard against ill-treatment for returnees.

5. Where a young person's age is in doubt for the purposes of ensuring child protection and other child rights provisions, it should be presumed that they are under the age of 18 unless and until this can be proven beyond a reasonable doubt without resorting to measures such as hand X-rays or other invasive and inaccurate procedures.

Future research and funding

Urgent research is needed into the experiences of people who identify as, or are perceived to be, environmental or climate migrants. In particular, research might focus on the complex ways in which environmental change interacts with different drivers of migration and vulnerability to human rights harms. This will aid understanding of how environmental change operates in relation to a multitude of other factors in causing people to migrate and also putting them at risk of harm, in order to develop future protection regimes.

Environmental change can affect people's decisions to migrate/relocate on different levels, from individual and household-level migration drivers such as education and wealth, to community and structural factors such as economic conditions and cultural norms. In the same way, environmental change can influence the drivers of vulnerability for people during and after migration and relocation. These linkages are shown in the diagram below.



Research on child migrants is lacking because children's voices and experiences are frequently excluded from studies, often for ethical or practical reasons, and because they are frequently presumed to have the same concerns as adults. Conducting ethical research with child environmental migrants is a challenge, but is essential to understand their motivations for migration and the protection gaps faced by children on the move.