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THE RIGHT TO AN ADEQUATE STANDARD OF LIVING OF MIGRANT IN
BORDER COUNTRIES

Structured, focused comparative analysis of Mexico and Turkey's duties

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Abstract

The present study investigated the effect of institutions, law and international cooperation mechanisms in the realization of the right to an adequate standard of living of migrants, taking two countries as case studies, Mexico, and Turkey. To do this I conceptualized three independent qualitative variables, political institutions, legal settings, and international cooperation mechanisms, in the form of classes and subclasses, and compared them using Mill's method of differences. Firstly, Institutions have a positive effect – despite not being quantified – on respect for the human rights of migrants, even if these can't guarantee the full protection of the right. Additionally, a vast legal setting is a great enabler of respect for the rights of migrants since it establishes minimum thresholds to be met. Third, the effect of international cooperation mechanisms is mixed, and it all depends on the observer. While it seems logical that all type of cooperation has a positive effect, underlying questions have to be made to balance responsibility for all the parties.

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Abbreviations

Consejo Nacional de Evaluación de la Política de Desarrollo Social – Coneval

European Union – E.U.

European Union’s Border and Coast Guard Agency – FRONTEX

Financial Assistance Program for Refugees – FRIT

Human Rights and Equality Institution of Turkey – HREIT

Human Rights Measurement Initiative – HRMI

International Covenant on Economic, Social and Cultural Rights – ICESCR

International Organization for Migration – IOM

National Human Rights Institutions – NHRI

Non-Governmental Organizations – NGOs

Office of the United Nations High Commissioner for Human Rights – OHCHR

Organization for Economic Cooperation and Development – OECD

United Nations Department of Economic and Social Affairs – UNDESA

United Nations High Commissioner for Refugees – UNHCR

United States of America – U.S.

Universal Declaration of Human Rights – UDHR

I. Introduction

I.1 Background to the research

Migration is an activity that has been carried out since the beginning of time and will continue until its end. According to the Office of the United Nations High Commissioner for Human Rights (OHCHR) approximately 281 million people live outside their home country, and while a large number leave their country willingly, many others are forced to do so for several reasons (OHCHR-a, na). Despite the difficulties in migrating from one country to another, this phenomenon will continue to happen in regular or irregular terms, in search for higher standards of living, escaping from conflict, poverty, or prosecution, pursuing a higher education, personal needs like a relationship or family, among others.

Although not every migrant is a vulnerable person, all migrants are vulnerable to violations of their human rights, issue that becomes pressing when that person is an irregular migrant. By the very nature of the act, irregular migration is hard to follow, because it occurs outside the norms and laws of a country and generally with the aim of remaining under the radar of the authorities. According to the Convention on the Status of Refugees, (United Nations, 1951), even if a person migrates in an irregular fashion or becomes irregular for any reason, the State is not exempt from providing protection to the person under international law including access to international protection for asylum seekers escaping from any type of persecution, conflicts, or violence, as well as protection for refugees under similar conditions.

What this thesis intends to do is systematically compare the institutional setting of Mexico and Turkey in terms of human rights as well as their legal instruments and international cooperation mechanisms, with special emphasis on the right to an adequate standard of living and see if these factors influence the fulfilment of this right for the migrant population. In doing so I will take into consideration their strategic geographical location and trade partner – The United States and the European Union – recognizing that both are major destinations for migrants around the world. At the end of the comparison, I will note

patterns that both countries have which influence the protection of the right to an adequate standard of living of migrants and list lessons learned in both cases.

I.2 Research problem and hypothesis

The purpose of this research is to try to shed some light on the effects of institutions, law and international cooperation mechanisms in the recognition and realization of the rights of migrants. Specifically, the research question is the following: how do institutions, law and cooperation mechanisms make a difference in the recognition and realization of the right to an adequate standard of living of migrants in Mexico and Turkey?

The underlying hypothesis is that both Mexico and Turkey, developing countries with a hybrid democratic regime according to the Economist Intelligence Unit (2021), having systems in place to protect the rights of migrants, already do everything they can; however, many of their policies and programs are designed to prevent migrants from reaching their destination – The U.S. and Europe respectively – and both commit systematic violations of migrants' human rights. Despite the above, I believe that it is possible to learn from both countries and improve in the realization of this right.

I chose Mexico and Turkey because both are member countries of the Organization for Economic Cooperation and Development (OECD), which guarantees an important source of statistical information, both have similar government structures, economies, and population densities, however, contextually they are very different countries and migration happens for different reasons. Likewise, both countries are destination and transit states for thousands of migrants a year, with a strategic geographical position towards the United States and Europe. In both countries, irregular migrants are treated poorly, especially regarding economic and social rights which are vital not only for a dignified life, but to their survival (OHCHR-a, na).

I.3 Definitions

For the purposes of this study, it is necessary to distinguish between regular and irregular migration, as well as what the level of institutionalization of a country means, democratic principles, and most importantly, which includes the right to an adequate standard of living.

Regular and irregular migration

According to the OHCHR (OCHHR-b, na), the vast majority of migrants in the world arrive in the countries to which they travel on a regular basis, that is, in compliance with all the legal requirements to enter a country, i.e., a visa, a residence permit, or an invitation to lawfully enter the country. Likewise, regular entry status often becomes irregular when migrants overstay their allowed period for any number of reasons, both on the migrant side like language barriers on understanding the procedures, or on the State side like discrimination or highly bureaucratic processes. There are also people who migrate in an irregular manner, crossing borders without the correct documentation or through authorized checkpoints. No matter their migration situation, every person's rights should be protected at all times, regardless of nationality, sex, race, age, belief, or any other existing status.

Right to an adequate standard of living

The right to an adequate standard of living is a fundamental human right. It is embodied in the Universal Declaration of Human Rights, accepted by the General Assembly of the United Nations on December 10, 1948. In article 25 of the Universal Declaration of Human Rights (UDHR), it establishes that everyone has the right to an adequate standard of living that includes food, clothing, housing and medical care and necessary social services, as well as the right to social security, understood as security against unemployment, illness, disability, or any mitigating circumstance beyond the person's control.

This right is also covered by article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and this covenant adds that the State Parties to the ICESCR must take appropriate steps to ensure the realization of this right. Likewise, this covenant dictates that the state parties must take measures, individually or through international cooperation, to a) improve methods of production, conservation, and distribution of food, as well as the development of agrarian systems, and b) ensure an equitable distribution of world food supplies in relation to need, in the search of trying to reduce hunger.

Institutions

Institutions are human structures of rules and norms that restrict or limit political, economic, and social interactions (North, 1991). Likewise, institutions must have a component of continuity and permanence in a society to be considered as such (Mahoney and Thelen, 2009). Some examples of institutions are laws, norms and social conventions, churches, schools, industry, businesses, corporations, civil society organizations, government agencies, etc., and their level of formality and informality may vary which is at the same time a fluid concept which will be discussed further in depth. (Knight, 1992).

Democratic principles

When talking about human rights it is difficult not to talk about democracy. Various authors mention that there is a direct, although not proportional, positive relationship between liberal democracy and respect for human rights (see Dahl, 1999; Landman, 2005; Przeworski et al., 2000); theory that can be considered as proven through the report of the Democracy Index 2021 of the Economic Intelligence Unit; however, there are authors such as Zakaria (2003) who argue that respect and fulfilment for human rights is not due to a higher/better level of democracy but to socioeconomic factors.

I.4 Justification for the research

Anecdotally speaking, this topic is of a particular interest to me because of the close relationship I have with the concept of migration. As a Mexican citizen from a border city with the U.S., with family that has migrated into said country in both regular and irregular manners, I know firsthand the risk migrants take pursuing new and better opportunities, and the violations and restrictions of human rights that migrants face. At the same time, my hometown is a transit and destination city for thousands of Central American migrants a year, so I am highly familiar with the solutions and treatment – or lack thereof – given to migrants both by the local and federal government.

Academically, the question about the role those political institutions have in migratory processes is not new. Bertocchi and Strozzi (2008), using a data set for the 19th and 20th centuries, provide empirical evidence indicating that not only economic and demographic

factors matter in the decision to migrate internationally, but the existence of political and migratory institutions and their quality are great factors of attraction in the decision to migrate. Bergh, Mirkina and Nilsson (2015) go one step further and using migration models and controlling for income levels find that political institutions have a significant weight in the migration phenomenon, to the extent that the low quality of institutions is a push factor for migrants, while economic factors in the country such as extreme poverty are limiting factors.

When we include social and cultural variables in the equation of why people migrate, it is likely to come across studies such as the one by Arif (2019), which takes bilateral migration flows between 1990 and 2000 and tries to explain what factors lead a person to migrate. His results indicate that the most attractive factors for a person to migrate continue to be economic factors, followed by political institutions, and lastly, social institutions; however, economic, and social institutions are push factors to migrate. This separation takes on greater importance when we characterize the countries analyzed, since although both countries are geographically connected with global economic powers – the U.S. and the E.U. – a large part of the reasons why these countries receive migrants is because they have escaped from conflict situations in recent years, as well as overflowing organized crime and cartels in Central and South America, and the wars in the Middle East.

Having briefly explained the factors of migration, it is still necessary to link this to human rights and the relationship is quite linear. The institutions that must guarantee the protection and fulfillment of human rights have a political character, be it the State itself through direct interventions or public policy or through institutions such as the National Human Rights Institutions (NHRI). Social institutions such as NGOs, sea charities, refuges, belief-based organizations, cultural missions, foundations, etc., generally serve as support to help fight human rights violations of individuals, providing direct assistance to people whose rights have been violated, bringing current issues to spaces for political discussion, promoting spaces for knowledge and awareness of human rights, among many other tasks (Brander, et al., 2020). For this study, I will focus only on the role of political institutions, leaving aside social institutions while still recognizing the importance of civil society and its hard efforts in the search for a better future.

It is important to recognize that despite having mechanisms designed for the protection and fulfillment of the human rights for all, including international migrants, these systems, laws, agencies, ministries, and the State itself, are flawed and probably, in some cases, are perpetrators in issues of human rights protection, either directly or indirectly. It is failures like these, claims made to NHRIs, that must not only be corrected, but prevented, and therefore the need to compare peers to take things that work from similar contexts and take advantage of spaces of opportunity.

I.5 Methodology

The methodology and method to be used in this study is composed of two parts. The first and conceptual framework that guides the comparison between countries is the method of structured, focused comparison, and the sub-method to use is the method of differences by John Stuart Mill. With both methodological tools in mind, the concepts of institutionalization and democracy will be further explored and broken down to classes and subclasses of variables which analyzed later in a systematic way, performing logical tests within certain categories for very class and subclass. These variables correspond to qualitative indicators that will be explained in greater depth in chapter III (see Chapter III, Methodology).

Structured, Focused Comparison Method

The discussion about this method was established by George and Bennett (2004). This method was designed to make structured comparisons between case studies with the aim of generating knowledge about public policy in a more complete way, retrieving information not only about a historical events or case studies, but also contrasting it with comparable cases to provide more information to decision makers.

This method is criticized by various authors, claiming comparisons of public policy and historical events to be nonscientific and noncumulative in character (Rosenau, 1968; in George and Bennett, 2004). Likewise, Macradis and Brown (1995, in George and Bennett, 2004) criticize the method of comparative politics, arguing that most of the single case

studies carried out are highly descriptive and monographic instead of having a theoretical-scientific basis behind, finding also found by Lowi (1964, in George and Bennett, 2004).

For this method to work, it is necessary to establish which variables are to be treated and label them correctly. In this study, the dependent variable is the fulfillment of the human rights of migrants and the independent variables will be the institutions and their performance/quality.

I.6 Outline of the thesis

This work will consist of five chapters. The first is the introduction, which provides a summary of the background, rationale, and method that will be used, as well as establishing key limitations of this research. The second chapter, the literature review, will contain the literary review of various topics, the first will be about the concept of migration, followed by the adequate standard of living. The third topic this research will touch upon will be institutions and institutionalism, and fourth and final topic be the relevance of democratic principles and democratic performance.

The third chapter, methodology, explains the method to be used, its justification, and some important ethical considerations in its application. The fourth chapter is analysis and findings. For the purposes of this work, I will include the discussion of the findings in the same chapter since each independent variable or class could be analyzed in even more depth and using different models to analyze the protection of human rights. Finally, the fifth chapter is about conclusions and implications. This chapter will summarize all the research, showing the findings and trying to see possible exchanges or redesigns of policies and institutions between Mexico and Turkey regarding the fulfillment of human rights of migrants.

I.7 Key limitations

The main limitation of this study is language. From a personal point of view, I consider not to be only fluent, but academically proficient in two of the three languages used in this research, English and Spanish. For the third language, Turkish, I had to use translation mobile applications and webpages, mostly google translate, to be able to access and

understand relevant information that I could not find in English. It is important to state that all translations were done with no intermediate languages, translating directly from Turkish to English. In addition to this, I academically recognize that not being able to comprehend Turkish is a grand limitation when it comes to the use of the sources, academic literature, and other documents relevant to this research.

The second limitation or important factor to consider derived not only from the language but from familiarity with the context, is the probable bias, possibly expressed as depth of research towards the Mexican context. Being a Mexican national who has worked for the government on human rights, I am familiar with many of the institutions related to the subject, something that does not exist in the Turkish context beyond the preliminary investigation and some documents of the European Union on the matter of migration where Turkey is involved.

I.8 Conclusion

The purpose of this research is to assess the effect of institutions, law, and international cooperation on the fulfillment of the right to an adequate standard of living of migrants through a structured, focused comparison using Mill's Method of Difference. Throughout this investigation, I will expand on the concepts that make up the right in question, how States operationalize it and to what extent individuals, State Parties and the international community have responsibilities towards its fulfilment. Towards the end of this study, both countries' data will be compared, trying to explain the effects of institutions on human rights, and if possible, trying to hint at probably relationships of causation. Finally, the hypothesis will be conceptually tested and recommendations for possible steps forward will be made for both Turkey and Mexico.

II. Literature review

II.1 Migration, irregular migration, and the differences in between

Causes

As I established in the introduction, migration is a phenomenon that has happened since the beginning of humanity and with the creation of States comes the creation of borders. In mid-2020, there were 280.6 million international migrants out of a total of 7.8 billion people (UNDESA, 2020), corresponding to 3.6% of the world population, seen as a migrant stock –the total number of international migrants in any country at any given time. When we zoom in and look at irregular migration, the movement of people without documents or whose immigration status changed to being undocumented, there are no reliable figures at the country level and much less at the global level.

Irregular migration is a difficult phenomenon to define (Düvell, 2006) and the migratory status of migrants depends on many variables beyond their control. Various authors postulate that migrants shift in and out of an irregular migration status, some due to their method of arrival, while others do so by attempting to adhere to national laws when they cannot do so, or resort to local/national “legalization” processes. (see Reyneri, 2001; Ruhs and Anderson, 2006; and Castles and Miller, 2009). There are other terms, normally used by newspapers, the press, or the media, to refer to people with an irregular immigration status such as illegal, undocumented, clandestine migrants, among many others, however, these terms carry negative connotations. The same applies to the term “irregular migrants” since no person is by definition “irregular”, however, this term is one of the most neutral forms to refer to this specific group of people in academia and international reports (Clandestino, 2009).

According to the IOM Global Migration Indicators 2021 report, some countries manage to estimate the number of irregular migrants with some specific methodologies. In 2017, the U.S estimated that 10.5 million undocumented migrants lived in the country, while the European Union’s Border and Coast Guard Agency (FRONTEX), in 2019, reported over 400 thousand detections of persons staying in the EU Member States “illegally”. In 2020,

FRONTEX recorded that over 110 thousand people attempted to enter Europe through maritime routes, including interceptions at sea, deaths, and irregular arrivals.

There is a plethora of reasons for people to migrate irregularly, however, Castles, et al. (2012) identify four main ones: 1. national laws and regulations; 2. neoliberal globalization; 3. the individual and collective agency of migrants; and 4. the migration industry. The first, national laws and regulations, was born in the political stage of a country, where irregularity could be seen as the consequence of changing laws and regulations, which grant mobility to “legal” or “illegal” status. Every country has the right, given by their sovereignty, to control entries and exits of its' territory; however, the politicization of irregular migration increased significantly after 2001 for reasons of national security (see Bigo and Guild, 2005; in Castles et.al, 2012) and the rhetoric of a prevailing need to control who enters and who leaves a specific country. In addition to the above, States can select and discriminate against migrants based on membership in organizations such as the European Union, the Economic Community of West African States, or the Southern Common Market, or on human variables such as the educational level of the person, gender, skills labor, type of migration, etc.

The second cause identified by Castles, et al. (2012) is the neoliberal globalization. At a first glance, globalization, in one way or another, brings with it the spread of knowledge and technology, makes travel cheaper, spreads information about migratory routes, creates networks, provides assistance and promotes possible job opportunities in some markets. Secondly, Castles et al. (2012) argue that since the installation of the neoliberal model in the 70's, there has been a growing trend in inequality between the countries of the Global North and the Global South, addressing not only economic disparities, but also issues of hunger, violence, and the lack widespread respect for human rights in the Global South. Both instances combined take on great relevance in the world labor market, since their participation in it, generally as unskilled labor, or as informal workers, form a large part of the national economies in exploitative employer-employee relationships (see Reyneri, 2001; Martin, 2004).

The third cause identified by Castles, et al. (2012) is the individual and collective agency of migrants. The authors argue that most state policies see irregular migrants as economic entities, ignoring the social aspect of people and the possible individual goals they may have throughout their lives. Likewise, they stipulate that in a significant number of times, the decision on whether to migrate or not is not an individual decision but is made by the community or family with the aim of diversifying sources of income (also see Stefoni, 2011). One of the main points of the authors about the migrant's agency is that the motivation of the person changes, giving way to a change in their migration status. They – Castles, et al. – pose a scenario where the migrant does not achieve the desired initial economic objective and they decide to overstay their planned stay, argue that this gives way to further integration within the community they are in, and it is this agency that is ignored in the formulation of migration policies.

Lastly, the fourth important factor for irregular migration is the ‘migratory industry’. Derived from high levels of bureaucracy in some states, the migratory phenomenon creates an industry around it – lawyers, immigration agents, bankers, among others – with the aim of facilitating the migratory process, most of the time legitimately and legally (see Salt and Clarke, 2000; in Castles, et al. 2012). Having established the above, Castles et al. state that there are times where the line between legal assistance and legitimate mobilization services, and organizations dedicated to human trafficking and smuggling is very thin and difficult to distinguish, establishing that the ways in which that the migratory phenomenon takes place changes, but the volumes of people moving remain the same.

Within migration: refugees and asylum seekers

Refugees are people who fled their home country, majorly because of conflict, violence, and prosecution, that have crossed an international border, regularly or irregularly – in accordance with the law – and cannot return to said country until the conditions change. Meanwhile, an asylum seeker is a person who seeks international protection from dangers that person might face in their country, and whose refugee status has not been legally determined. The main difference between a refugee and an asylum seeker is that a process for refugee status has started by an asylum seeker in the country they submitted their

request. Refugees are protected by the 1951 Convention and Protocol Relating to the Status of Refugees. (UNHCR, Art 1)

Irregular migration

The European Union created a project called Clandestino in 2009, gathering data of flow and stock of irregular migration from 27 E.U. Member States and the pathways towards irregularity. This report classifies people living in the E.U. without the necessary permits and people working without the necessary permits and shows an overlap of said categories. The following table the main types of irregularity according to the Project Clandestino. It is important to highlight that this project, like the dissertation, excludes people smuggling and trafficking; however, the existence of both actions in the context of migrants is recognized.

Table II.1 Examples of types of irregularity

Irregular foreign resident, but not irregular worker	Irregular foreign workers, but not irregular residents	Irregular foreign residents who are also irregular foreign workers
Regular registered people with forged documentation	Foreigners with a valid residence status, but without permission to work	Tourists who are working informally
Children without residence status	Foreigners with a valid residence status, with a permit to work but doing so in an unregistered job (informal job)	Foreigners without a residence permit in formal jobs
Elderly family members without residency status		Foreigners without a residence permit in informal jobs

Source: Clandestino (2009). Comparative policy brief – Size of irregular population. Hamburg: Clandestino Research Project.

II.2 The right to adequate standard of living

The right to adequate standard of living, as mentioned above, is part of the Universal Declaration of Human Rights, article 25, which stipulates that everyone has the right to an adequate standard of health and wellbeing that includes food, clothing, housing and medical

care and access to social services. Additionally, article 25 covers the right to social security in the event of unemployment, illness, disability, old age, widowhood, or any other situation that affects the livelihood of a person or their family. It is important to mention that the right to an adequate standard of living comprises a series of rights that in themselves are difficult for the State Parties to the Covenant to attend to, and therefore I will segment them below.

Right to food

The first of these is the right to food. The ICESCR recognizes two ideas that are similar but not necessarily directly related. Article 11 of the ICESCR in its paragraph one recognizes the need for adequate food, however, in paragraph two it states that the States Parties to the Covenant must take actions to combat hunger, the fundamental right of everyone to be free from hunger. General Comment No.12 of the CESCR adopted in 1999, establishes in paragraph 6 that the right to adequate food is realized when everyone has physical and economic access at all times to adequate food or means for its procurement, and should be interpreted as more than a minimum intake of calories and macronutrients.

It is important to mention that the implementation of this right has priorities, and these are divided depending on the prevailing need for both following ideas, hunger, and adequate food. Paragraphs 17 and 21 of the same General Comment No. 12 establishes that the State Parties must take whatever actions are necessary to ensure that everyone is free from hunger and then, as soon as possible, ensure adequate food, putting the freedom from hunger as a minimum essential level required by the State to ensure.

Right to housing

The right to adequate housing is both in article 25 of the UDHR and article 11 of the ICESCR; however, the application of this right is reflected in the General Comment No. 4 of the CESCR, adopted in 1991. The concept of housing is not a self-explanatory one, therefore, the General Comment No. 4 on paragraph 8 raises various criteria that must be considered in the fulfillment of this right, recognizing the social, economic, cultural limitations, among others, of each State Party: a) legal security of tenure, b) availability of

services, c) affordability, d) habitability, e) accessibility , f) location, and g) cultural adequacy.

Although the realization of this right is subject to the resources and capabilities of the State Party in question, there are actions that must be taken immediately, regardless of the level of development of the country. Despite not explicitly establishing which measures must be resolved immediately, the General Comment refers to the Global Strategy for Settlement and Shelter, where it is urged to adopt national housing strategies with specific objectives, analysis of available resources and consultation with the affected population. Likewise, the Global Strategy for Settlement and Shelter brings with it two objectives of the United Nations High Commissioner for Refugees (UNHCR): “a) Enable refugees to access and live in dignity in secure settlements that improve their social, economic and environmental quality of life as a community and b) Enable refugees to access shelter solutions that provide privacy, security and protection from the elements, emotional support, and a space to live and store belongings in a dignified manner.” (UNHCR, 2014)

Right to clothing

The right to adequate clothing, apart from being included in article 11, is also included in article 25 of the UDHR. Unlike the two past rights, the right to clothing is not described in depth with a general comment for itself, but is observable, in a reduced way and without depth, in the general comments 6 – ESCR of older persons –, 5 – ESCR for persons with disabilities –, and 14 – regarding standards of health in specific workplaces, as well as in article 27 of the Convention on the Right of the Child.

Right to health

The right to health is one of the fundamental rights and vital for the exercise and enjoyment of other human rights. It is normal to think that the word ‘health’ refers only to medical care regardless of its type; however, this right encompasses much more. The right to health is recognized in article 25, paragraph 1 of the UDHR as “Everyone has the right to a standard of living adequate for the health of himself and of his family, including food, clothing, housing and medical care and necessary social services” (UDHR, 1948). Likewise, the ICESCR states in article 12, paragraphs 1 and 2, that the State Parties

recognize the right of all to enjoy the highest attainable standard of physical and mental health, and will take steps, in accordance with the capacity of the State for the realization of this right. General Comment No. 14: The Right to the Highest Attainable Standard of Health (OHCHR, 2000) in paragraphs 4 and 5, describes the right to health as an intersectional right, encompassing socioeconomic factors that impact various determinants of human health and recognizes that it is for this very reason that its full enjoyment is tremendously difficult to accomplish.

The right to health should not be understood as the right to live a healthy life, but as a set of freedoms and entitlements, such as the freedom to have control over one's body and mind, freedom from torture or experimentation or medical treatment without consent, the entitlement to a fair and non-discriminatory health protection system. For this reason, when the concepts of food, clothing and housing are excluded from this right – mentioned in the previous subsections –, we can then isolate the rest in something that is easier to identify as health in medical and not socioeconomic terms, medical care, and social services.

In this sense, paragraph 12 of General Comment 14 mentions the essential parts of the right to health, whose application will ultimately depend on the conditions of the States. Since the elements related to food, clothing and housing were explained previously, the following list will only address the elements related to medical care and social services.

- Availability of goods, services, programs, and public health and health care facilities provided by the State with adequate conditions, not only for users, but also for trained professionals.
- Accessibility, without discrimination, to health facilities, goods, and services, considering physical and safe accessibility, affordability and with free access and provision of information.
- Acceptability of different cultural contexts, as well as the sensitivity of individual and communal values.
- Quality understood as scientifically, medically, and culturally appropriate goods and services.

Right to social security

Like the rights mentioned, the right to social security is enshrined in article 25 of the UDHR (1948), but this particular right comes not only as a part of the right to health, but at something on its own. The right to social security is also recognized in article 22 of the UDHR, stating that everyone has the right to social security and the realization of the economic, social, and cultural rights indispensable for their dignity and the free development of his personality, considering the resources available from each State. Lastly, this right is also embodied in article 9 of the ICESCR, where the State Parties to the Covenant recognize the right of everyone to social security, including social insurance, and have a general comment 19 of the ICESCR to guide its application.

This article seeks to provide protection to human dignity when people face circumstances that prevent them from realizing their other rights. Being specific, this right includes access to State benefits in the event that i) the person does not have work-related income due to illness, disability, maternity, injury, old age, among others; ii) the person does not have access to health care for cost reasons; and iii) insufficient family support. This right, like those mentioned above, is subject to State Party remedies; however, the General Comment establishes that the State parties must guarantee a minimum floor, although this is not completely defined in the document. Among the examples mentioned are: i) contributory or insurance-based schemes such as social insurance and ii) universal coverage schemes or social assistance schemes.

Debate about the rights

As it is possible to see, the realization of the right to an adequate standard of living is something extremely complex to achieve, not only because of the different tasks that the States have to do or the social assistance or service provision systems that they have to implement, but also because all these rights must be realized according to the resource capacity of each State. Recognizing that all states have different initial endowments of resources, it is possible to think of a couple of questions: i) is there a connection between dignity and an adequate standard of living? ii) how involved should the state be and what is the individual subject to?

Eide (2010) states that many of these rights are basic needs that must be covered; however, an adequate standard of living goes further, and will be fulfilled within the possibilities of the State in which the person finds himself, with a certain responsibility on the individual and another on the State. The author argues that the reason behind this right is that everyone should be able, within certain considerable ranges of possibilities, to lead a life where their basic needs are met, without having to deprive themselves of their liberties or submit to degrading activities. He equates the legal matters of the right with economic concepts, comparing a decent life with leading a life above the local poverty line. This last idea can be debated today depending on the context. An example of this is given by the European Union Agency for Fundamental Rights (2017) where it describes the situation of the Roma population in Europe; in 2016, 8 out of 10 Roma live in “at risk poverty”, and 4 out of 10 live in households without a toilet, shower, or bathroom inside their home. Similar conditions can be seen in people living in conditions of interdimensional poverty in Mexico, where at least 14.8% of the population above the poverty line experience social deprivation – educational backwardness, lack of access to health services, social security, quality and housing spaces, basic housing services or a nutritious diet (CONEVAL, 2021).

Regarding co-responsibility in the fulfillment of the right, Eide (2010) states that both the individual and the State are directly involved, although the relationship is not equally equitable. The individual has the primary responsibility for the fulfillment of this and every right, while the State enters when the individual cannot or does not have the capacity to do so for himself and his dependents. The same applies to the condition of international cooperation, the obligations of the international community in this sense are even more distant, doing more work of encouragement and assistance for States to be able to fulfil their duties, rather than providing resources. The rationale behind the argument is that the individual will use whatever type of resource, capital, or income it has to access and fulfill as many rights as he can, and most of the time this action is done on a daily basis. So, under this premise, the worse the socioeconomic conditions are, the more vulnerable the person, and the full enjoyment of the right begins to diminish; however, this does not necessarily require state intervention.

State obligations vary depending on the level of development, the needs of communities or individuals, and the resources available. An important factor to consider in the above idea is the role of the Government in the daily life of citizens. According to Eide (2010) in the right to an adequate standard of living, the State must first respect the individual decisions of each person to satisfy the conditions of this right – use of resources and generation of income. Afterwards, the State must protect the decisions made by the population to cover their basic needs, and this is done through regulation, anti-trust law and public policy that avoid discriminatory tendencies. In a third instance, the State has the obligation to fulfill the right by acting as a provider, either through facilitating access to resources or ways to enjoy the right to an adequate standard of life, or through the direct provision of resources – aid, social programs, etc. It is important to mention that the more marginalized the person or the more and greater disadvantages, the greater the state intervention should be.

II.3 Institutions and Institutionalism

Definition and characteristics

As stated above, institutions are human structures made up of rules and norms to guide and constrain political, social, and economic interactions with a sense of permanence in society (North, 1991; Mahoney, 2009). Regulating social behaviors does not necessarily go against human freedoms, sometimes they can go hand in hand to have positive effects such as the rules of language, which guide the way in which we articulate languages, and the rule of law, which directs the way in which people, governments, companies, etc. they must behave (Hodgson, 2006). An important characteristic of institutions argued by Searle (2005) is that institutions are a type of social structure that contains potentially codifiable and normative rules and behaviors because it is necessary to know, with the highest possible degree of objectivity, when a rule is broken, or a desired behavior is not to be followed. With this definition of how institutions and their characteristics are born, it is necessary to ask how far society understands the rules and how does it follow them so that institutions work?

Hodgson (2006) answers the previous question by separating the incentives, both positive and negative, to follow the rules, and the way in which society and the individual interpret

and value said rules. In a first part, the author states that the evaluation of the rules arises from an iterative social process; that is, it is only through the creation of customs that the rules become 'universal'. This same principle applies to the creation of laws. For a proclamation of a law to be followed as a rule in the institutional sense, it is necessary that it become customary. For this, it is necessary that the rules are enforced to such a degree that they guide the behavior of the agents so that in the first instance it becomes a customary rule and, consequently, obtains a normative character. This last characteristic gives way to the second part, the valuation of incentives. Hodgson (2006) argues that it is precisely the structure of normative rules that guides the assessment of incentives. Since there is a system that guides the best way to interact in society, this system will create habits in people that will be reinforced with practice. Likewise, it is the very reproduction of the desired habits in society that gives strength, durability, and normative authority to institutions, functioning in some way as a symbiotic relationship of a social duty. The idea of self-reinforcing then posits that people need to have a set of rules that can be enforced by a body greater than the individual to ensure that there is appropriate and desired social behavior, and at the same time, institutions need individuals, not only to exist, but to grow, perpetuate and adapt when necessary.

Formal/Informal institutions

An important point within the classification of institutions – institutions are set of rules – is their formal or informal nature. Various authors attempt to distinguish between formality and informality (see North, 1991; North, 1994; Durkheim, 1984, Hodgson, 2006; Casson, Della Guista and Kambhampati, 2010) using terms such as legal/illegal, codified or uncodified, regulated, and in reality, it is more complex than this. Generally, when we refer to a rule as formal or informal, we tend to think that a formal rule is governed by laws, whose enforcement is in the hands of a court, while an informal rule is enforced by colleagues, peers or equals who submit you to someone type of non-legal penalty (North, 1994). This view is somewhat rigid and reductionist because it ignores the interrelation of the legal system with normal or informal rules and Durkheim (1984) exemplifies it with the operation of a contract, arguing that not everything within a contract is codified in law, but for reasons of practicality or complexity, there are issues that are left less defined. This

same idea applies in the human rights and international humanitarian law system, there are concepts, ideas, notions that are difficult to fully define in law, leaving room for interpretations by States based on customs or cultural issues (Hodgson, 2001). Hodgson (2006) proposes abandoning the 'formal' and 'informal' labels based on the ambiguity of the concepts, specifically speaking of institutions, arguing that due to their interdependence, institutions, or formal rules, in legal terms, always depend on nonlegal rules and implicit norms. The author argues that it is better to use specific terms such as legal, nonlegal, and explicit when referring to rules or institutions.

Institutionalism and institutionalization

Scott (2004) defines institutional theory as a theory that studies different and long-lasting aspects of social structures and how these become guidelines for social behavior. For this there are two trends in this theory, old and new institutionalism. On the one hand, the old institutionalism focused on the description and mapping of 'formal' governmental institutions, framing the formal and administrative arrangements of a State (Abrutyn and Turner, 2011). Rhodes (1995) confirms the descriptive quality of old institutionalism in his work 'The Institutional Approach' and adds that most of the works carried out with this scope tried to explain how the institutions fulfilled certain norms or democratic principles of a 'responsible' government. On the other hand, the new institutionalism similarly seeks to explain the impact of institutions on the economic, political, and social life of a State, considering government institutions as more complex entities, contemporary economic challenges, and structural reforms of the public sector (Abrutyn and Turners, 2011). Both authors argue that both trends are necessary and complementary, while the old institutionalism looks at the bigger picture of what conforms reality in the political realm in a descriptive manner, new institutionalism atomizes the actors involved in the political universe trying to provide explanations about their motives, behaviors, and decisions.

Meyer and Rowan (1977, p. 342; in Kammers and García, 2014) describe institutionalization as a process in which “social processes, obligations or actualities come to take on a rule-like status in social thought or action”. This establishes that the institutions and the institutional process have internal and external motivations for change, adopting

policies, rules, and regulations to maintain the component of permanence indicated above and, in turn, 'perpetuate' their existence through their social legitimacy. The reasons behind each of these processes are multiple, however, these practices are influenced by inter and intra-institutional pressures and shared between institutional fields. An example of the above are institutional practices on the hiring of personnel, similar institutions will have and adopt standardized and shared practices, despite the fact that there are differences in salaries and benefits.

Institutional quality and outcomes

A question that needs to be answered, not only for the purposes of this study but for further academic research, is how to measure institutional quality. Rodrik (2004) argues that a large part of the indexes to measure institutional quality are based on investor perception surveys – national or foreign – instead of some type of measurement of 'formal' aspects – not measured as formality and informality in the legal sense, but of the characteristics of the institution – of an institution. This author states that this type of measurement brings with it two problems. The first is that perceptions normally encompass more than the operation of an institution, but rather consider the environment in which they operate, bringing with them problems of endogeneity and reverse causation. This does not mean that perception measurements are misleading, but rather that it is necessary to account for possible endogeneity problems and to distinguish between variables and their weights (Rodrik, 2004). The second problem, even controlling for causality and endogeneity problems, is that the results do not specifically show what caused the desired institutional outcome, be it rules, legislations, norms, etc. Rodrik (2004) infers that quality then does not necessarily depend on the operational performance of an institution, nor on its building blocks, or its institutional setting, but on whether it achieves its goal. Likewise, one of the most important points made by Rodrik (2004) is that the results of an institution not only correspond to the design of the institution itself but also to its context, suggesting that what makes an objective meet the limitations and local opportunities.

II.4 Democratic principles

Democracy

Works in the world on the protection of human rights have a long tradition of being comparative studies whose main characteristic is that it operates under a democratic regime (Landman, 2005; also see Przeworski et al., 2000). Landman (2005) explains that human rights have been dependent variables for many studies, with a growing tendency to address life integrity violations due to the fact that there are international standards to measure them. The author deepens that these studies generally take indicators or indices such as the Political Terror Scale, which consider socioeconomic factors – wealth, development, etc. – and political factors –type of political regime, participation in conflicts, etc. – being these weighted equally. The results of this type of study, in general, showed that democracies or countries with higher development rates were less likely to commit human rights violations, while countries in conflict, with authoritarian or autocratic regimes, would be more likely commit violations of human rights.

The above idea of the positive relationship between democracy and human rights is widely discussed by various authors (see Zakaríá, 2003; Landman, 2005) suggesting that countries with alternative regimes to democracy can also experience respect for human rights based on the level of economic development, its governmental design, and its economic position in the world. Monshipouri (2004, reviewing Zakaríá, 2003) argues that democracy may not be the only tool that guarantees respect and fulfillment of human rights, arguing that the level of economic development, regardless of the democratic level of a country and emphasizing non-western societies, may be a better vehicle to prevent armed conflict and human rights violations through standardized political processes. Additionally, Monshipouri (2004) goes further suggesting that what is actually necessary is to lay solid foundations of a civil society, social rights, and fundamental freedoms. He does this by alluding to the relationship between democracy and freedom, arguing that the installation of democracy in non-western States has not necessarily led to experiencing more freedoms, but rather has generated elected autocrats, proposing that democracy, seen as elections, it is actually the culmination of the democratic process, not its beginning. Some examples of

this are provided by Dahl (1999), demonstrating that the elections held in El Salvador, Honduras and Guatemala were not enough to transform a military regime into a democratic government that respects human rights.

Democratic performance

In 1999, Lijphart published a book titled 'Patterns of Democracy: Government Forms and Performance in Thirty-six Countries'. In his book, he conducts a study on the performance of democracies, establishing a difference between majoritarian democracies, power concentrating structures like unicameralism, and consensus democracies, power dispersing structures like federalism or bicameralism, where he concludes that in certain aspects – social, environmental, domestic security and foreign aid policies –, consensus democracies perform better than majoritarians (1999, pp 293–300). Lijphart attributes the difference in performance to a factor of social awareness and a more 'kinder' political game, establishing a positive relationship between democracy and performance similar to Landman's. However, in 2005, Roller, in his book 'The Performance of Democracies', takes Lijphart's definitions of democracies and puts them to the test and proposes to rethink the way in which he creates his definitions, since the categories used by Lijphart excluded economic institutions and groups of interest existing within the countries, a conclusion similar to that of Zakaria (2003).

Roller (2005) bases his study on Almond and Powell (1978) and Fuchs (1998), trying to isolate the institutional setting component and its consequences for certain policies adopted in OECD countries to measure the effectiveness of liberal democracies. In his work, Roller analyzes the works of authors such as Putnam, Weaver and Rockman, Lijphart, Lane and Ersson, among many others, and recovers three concepts to measure performance: structure and process, proposed by Fuchs (1998), goal-oriented with general political performance proposed by Eckstein (1971), and democratic versus systemic performance, also proposed by Fuchs (1998).

Structure and process

Fuchs (1998, in Roller, 2005) states, on the one hand, that the structure of a democracy is set by the binding rules of a constitution and is characterized by having 'X' number of

institutions that guarantee the minimum characteristics for its operation. Among these characteristics to be guaranteed are periodic elections, basic freedoms, a competitive political system, and collective decision making. On the other hand, he defines the democratic process as the actions carried out by political actors guided in turn by the structure described above. While the structural component is measured by the very existence of liberal democracy, the democratic process is evaluated by the performance of political actors – outcomes (Roller, 2005).

Goal-oriented and general political performance

The political performance, seen as the evaluation of the political process can be separated into two, goal attainment and general political performance (Eckstein, 1971; in Roller, 2005). In the goal attainment component, Eckstein uses four criteria: i) durability, ii) civil order, iii) legitimacy, and iv) decisional efficacy; while the general political performance component is more related to the political process that leads to the attainment of specific policy goals.

Democratic and systemic performance

The classification of democratic and systemic performance stems from the separation between exogenous and endogenous structural issues. According to Fuchs (1998; in Roller, 2005) systemic performance is what is expected as a result of democracy as a political system, such as economic growth; while the result of the democratic performance is directly related to the characteristics of a democracy, such as holding elections.

To better understand the last two features, Roller (2005) creates the following table. In the first row, both types of performance are related to the functioning of the system as such, that is, with those variables exogenous to democracy that achieve desired objectives, whether they are intermediate products, such as being efficient in achieving the goals – general performance, as final products –goal-oriented performance. In the second row it is possible to see the results of the system itself being democratic, maintaining a similarity with the systemic performance row; the general performance looks for intermediate products – like accountability – that lead to the generation of final products -like the realization of democratic values, like equality.

Table II.2 Scheme for classifying performance criteria for liberal democracies

	Goal-oriented performance (substantive goals)	General performance (procedural goals)
Systemic performance	Effective realization of substantive goals (i.e., security)	Characteristics of all political processes that promote the realization of substantive goals (i.e., efficiency)
Democratic performance	Effective realization of democratic values (i.e., equality) and standards following the representative character of liberal democracy (i.e., responsiveness)	Characteristics of the democratic political process that promote the realization of substantive democratic goals (i.e., accountability)

Source: Roller, E. (2005). *The Performance of Democracies: Political Institutions and Public Policy*. Oxford University Press. DOI: 10.1093/0199286426.001.0001, Pp 25.

II.5 Conclusion

In this chapter the most important concepts of this study were discussed. First, the causes of migration in general were discussed, differentiating between types of international migrants, and the concept of irregular migration was addressed. Subsequently, the right to an adequate standard of living was defined with all its components, explaining that it is the individual who is the first in charge of seeking to ensure the fulfillment of the right, followed by a subsidiary function carried out by the State, and in the third instance, the international community.

Likewise, this chapter also discussed what an institution was and introduced the theory that will be the heart of this study, institutionalism. Finally, we link the institutions and the level of institutionalism to the concept of democracy, establishing a relationship, which in turn

was debated, where at higher levels of institutionalization and democracy, a country will tend more to protect the human rights of people.

III. Methodology

III.1 Introduction

As mentioned in the introduction chapter (see Chapter I, Introduction), the method that we will use and that will be explained in greater depth is the structured, focused comparison method used by George and Bennett (2004). The use of a highly descriptive comparative method, but with the aim of creating certain knowledge, is perfectly aligned in the way that institutionalism, both old and new, behaves (Abrutyn and Turner, 2011; Rhodes, 1995). For the explanation of the method and its application, I will take on George and Bennett's work as my primary source, going deeper when necessary and contrasting with other authors.

III.2 Research objectives

The primary objective of this work is to assess the effect that political institutions, the law, and international cooperation mechanisms have on the recognition and realization of the rights of migrants. For this we will make a systematic comparison between the institutions, the legal setting in place, and the international cooperation mechanisms, related to the migration process in Mexico and Turkey, touching on the existence and performance of NHRIs, specialized institution, regardless of their type, in migration, political immigration law, the constitutions, specialized migration laws, and cooperation mechanisms with its most relevant geographic neighbors, the United States and the European Union, respectively. Secondarily, this work will attempt to provide insights around possible institutional exchanges that could be addressed local characteristics and dialing down on a one-size-fits-all solution.

III.3 Research method

Basic requirements of the study

According to George and Bennett (2004), the structured, focused comparisons method was created to study historical moments to generate important knowledge for the future design of public policy, pointing out key challenges, the possible endogeneity in the analysis of cases and the non-cumulative character of knowledge (Rosenau, 1968; in George and

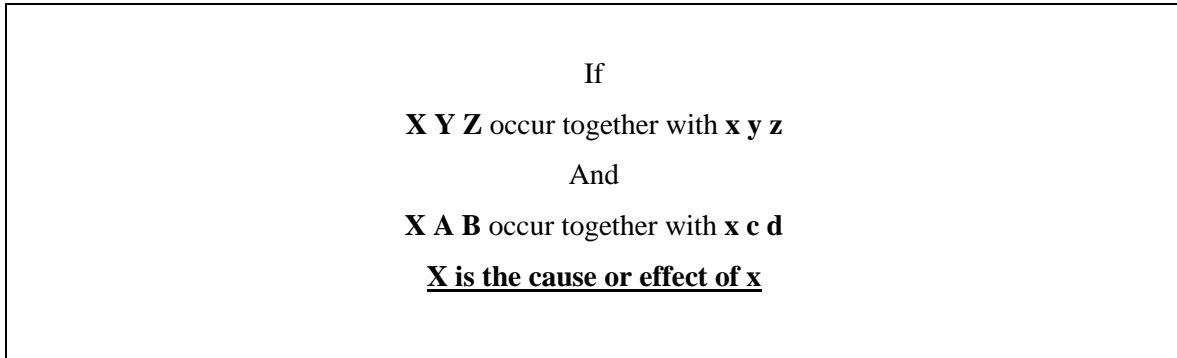
Bennett, 2004). To solve this type of problem, George and Bennett (2004) establish three requirements.

The first requirement is the correct identification and classification of the universe to be analyzed. George and Bennett (2004) propose finding the class and/or subclasses of the event to be analyzed and classifying them as clearly as possible, always classifies as being instances of an event and not problems. For this research, the class of event chosen is the impact of institutions on the fulfillment of human rights. The second requirement is to have a well-defined research objective and a suitable strategy to achieve it. For this research, the main objective is to see the effect of institutions, the law and cooperation mechanisms in the fulfillment of human rights; while the strategy is a systematic comparison of each of the compound elements in the objective, also mentioned above. Finally, the third requirement is that the case studies must use variables of theoretical interest, that is, they must provide actionable information for policymakers to influence outcomes (George and Bennett, 2004). In this sense, the dependent variable of this study will be the fulfillment of human rights of migrants, while the independent variables are related to institutional levels in Mexico and Turkey, as well as their performance.

Mill's Method of Difference

An important part to clarify is the submethod to use. Within the universe of structured, focused comparisons, by having more than one case study it is possible to delve into a sub-technique to give greater methodological validity to the research. For the purposes of this study, I will use Mill's Method of Difference (1843, pp. 450-464). It is important to separate the 'Method of Agreement' from the 'Method of Difference' since one gives way to understand the other. The agreement method argues that for a feature to be a necessary condition, it must always be present if the effect is present or vice versa. This applies to both one and several variables. Likewise, if there is some other feature that is not present when the desired effect is present, this means that this feature is not a necessary feature (Mill, 1843, pp. 451-454). The following figure may help to fully understand the concept.

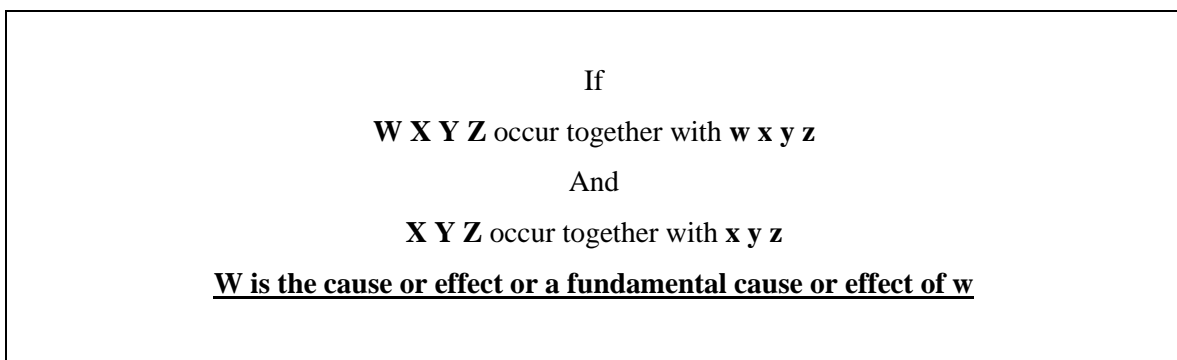
Figure III.1 Mill's Method of Agreement



Source: Own elaboration based on Mill's Method of Agreement (1843, pp 451-454).

The method of difference states that when there is a phenomenon which is being studied and in turn there is an instance where it does not occur, and these in turn have all the same circumstances except one in common, then both parts are cause, effect, or indispensable part. of its cause or effect (Mill, 1843, pp. 455-457). The following figure might help to fully understand the concept in matter

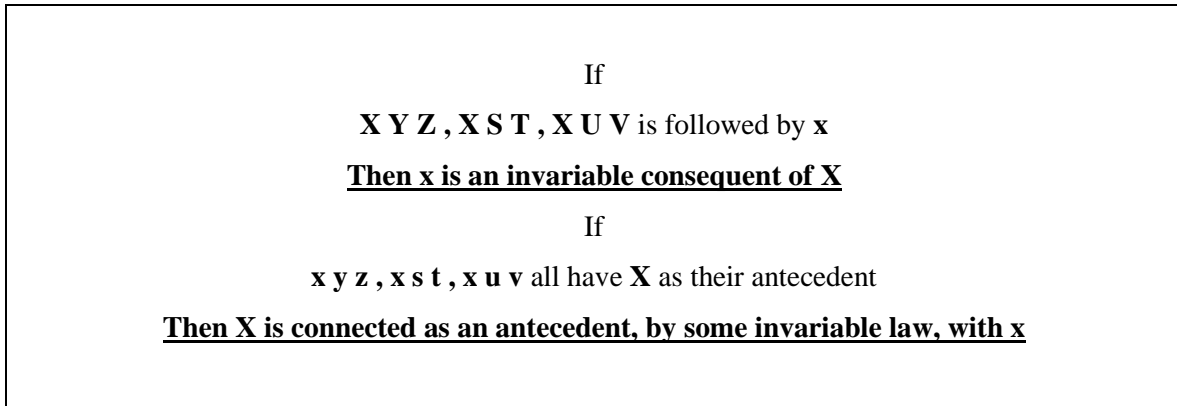
Figure III.2 Mill's Method of Difference



Source: Own elaboration based on Mill's Method of Difference (1843, pp 455-457).

The difference between both methods, although they are similar, is that the method of difference helps to determine if the presence of some instance is invariably a cause or an effect, through the attempt to produce isolated instances in common, either completely or partially.

Figure III.3 Mill's Method of Difference, proof of probable causation



Source: Own elaboration based on Mill's Method of Difference (1843, pp 450-459).

The problem is in proving the test. To determine whether the antecedent is the cause, or whether the consequence is an effect, we must be able to produce one by using only the other or produce some instance in which effect 'x' exists without changing the pre-existing conditions other than the added 'X'. The probable cause test is important for this study, and in general for studies of comparative politics, because it tries to isolate the factors that produce certain phenomena, behaviors, or desired results – causal inference (Mill, 1843, Pp. 450-464).

III.4 Operation of the method

For the method to be applicable, meaningful, and comparable, it is necessary to ensure that the same questions are being asked for both cases – Mexico and Turkey, otherwise the results cannot be compared and therefore analyzed. For this study, the questions were categorized by groups: political institutions, legal arrangement and composition, international cooperation mechanisms. These three groups represent the possible institutional factors that have an impact on the fulfillment of the human rights of migrants. Although previously we established that the State has a subsidiary function to the personal effort of self-realization of the right to an adequate standard of living, in the case of migrants the State takes on greater relevance due to the high vulnerability of this group of people (OHCHR-c, na).

None of the authors mentioned above offers indicators or concrete ways to measure the effect of institutions in relation to the protection of human rights; however, there are authors and institutions that propose indicators to measure the effectiveness of National Human Rights Institutions (International Council on Human Rights, 2005), others propose ways to measure the performance and effectiveness of the public sector (Heinrich, 2012), and others collect global information on the outcome of countries in protecting human rights (Human Rights Measurement Initiative, 2022). As there is no clear consensus on how to measure the institutional effect on the fulfillment of human rights of migrants, but there is on the type of indicators, we will combine the relevant indicators proposed by the authors mentioned above, separating them into three groups: output indicators, performance indicators and impact indicators. In addition to the above and recognizing that not all indicators apply in the same manner, questions will be developed that serve to try to assess the work done in the fulfillment of human rights achieved by the proposed institutions. These questions were designed by me to try to characterize the structure and performance of democracies as proposed by Eckstein (1971) and Fuchs (1998) in Roller (2005) and in turn try to measure the institutional quality and the outcomes mentioned by Rodrik (2004).

In this study we will use three types of indicators for the two categories: i) output indicators and ii) performance indicators. The first type of indicators is related to the actions carried out so far. The second type tries to measure how well the activities in question are being done. This, in turn, will be contrasted with questions that attempt to configure the structure of institutions, the existence of vital components for the recognition and fulfillment of rights, and the process in which it is being carried out – structure and process, goal-oriented and general political performance, and democratic and systemic performance. It is important to highlight that given the nature of the categories, not all types of indicators or questions apply, i.e., there are no performance indicators for law.

Political institutions

For the category of political institutions, the State, the NHRI, and institutions that can influence the design of public policy are considered as primary actors. The questions asked and indicators are shown below. It is necessary to emphasize that impact indicators will not

be considered in this group, since it would be necessary to carry out a longitudinal study to be able to distinguish between outputs and impacts.

- Structure and process
 - Is the State classified as a democracy?
 - The State applies the concept of separation of Powers?
 - Does the country have a competitive political/democratic system?
 - Does the State have a NHRI?
 - Does the State or the NHRI carry out studies on the protection of human rights?
 - Is the NHRI evaluated periodically?
 - Is there a mechanism to present and handle complaints or violations of human rights?
 - Are there social programs specifically for migrants and their needs?
- Output indicators
 - Does the State protect the right to an adequate standard of life of migrants?
 - Does the State provide differences in attention to priority attention groups within the group of migrants?
 - Designated resources for the allocation of emergency medical care and assistance for migrants
- Performance indicators
 - Number of complaints filed with the NHRI relevant to migrants
 - Resolution of complaints submitted to the NHRI relevant to migrants

Legal setting

For the legal setting category, only questions about structure and process will be asked since there is no way to codify or measure outputs or performance according to legal structures.

- Structure and process
 - Is there a specific law for migrants?

- What type of protection does it provide for migrants relevant to the right to adequate standard of living?
- Is there a difference in treatment that affects protection of the right towards refugees and/or asylum seekers?

Cooperation mechanisms

For the category of cooperation mechanisms, bilateral or multilateral organizations and agreements related to the protection of the rights of migrants will be studied.

- Structure and process
 - Does the State have an international cooperation mechanism that regulates or influences the protection of the rights of migrants?

III.5 Results

This section compiles the results of the previous indicators and questions. The results for Turkey will be presented first, followed by the results for Mexico.

Turkey's political institutions

Structure and process

- Is the state classified as a democracy?

Yes. The Constitution of Turkey states in its preamble that the country is be a liberal democracy where everyone has fundamental rights and freedoms that are inviolable and inseparable from the person, and this in turn entails duties and responsibilities towards society, his family and other individuals (Turkish Const, Pmb. and Art. 12)

- The State applies the concept of separation of Powers?

Yes. Turkey separates the powers in government in 3 branches, the executive, the legislative and the judicial (Turkish Const, Pmb.)

- Does the country have a competitive political/democratic system?

Not clear. In Turkey, elections are held every 6 years at different levels, presidential, parliamentary, municipal and district, and it has a multi-party system; however, according to the Democracy Index 2021 (EIU, 2021) Turkey is a hybrid regime, autocratic features with elections, and in the last years it's gone down in its evaluation because of a weakened confidence in the government. It has gained macroeconomic stability in the last years, but that improvement has been undermined by rising prices, a depreciating local currency, widespread corruption, and policy mistakes (EIU, 2021).

- Does the State have a NHRI?

Yes. Turkey does not have its own NHRI, but rather belongs to the European Network of National Human Rights Institutions (2022). This network acts as an NHRI and has the functions of an 'Equality Body' and a 'National Prevention Mechanism' with the objectives of protecting and promoting human rights, preventing discrimination, and remedying violations; as well as participate in decisions on investigations of violations of human rights – ex officio, and monitor the implementation of human rights conventions of which Turkey is a State Party

- Does the State or the NHRI carry out studies on the protection of human rights?

Yes. The Human Rights and Equality Institution of Turkey (HREIT) produces annual reports on the protection and development of human rights at the national level, separated by human rights.

- Is the NHRI evaluated periodically?

Yes. According to the Strategic Plan 2019-2023 of the Human Rights and Equality Institution of Turkey (2020), the institution uses basic indicators to measure its performance; however, this leaves aside the possible evaluation of the institution as such, in the sense of achieving national objectives.

- Is there a mechanism to present and handle complaint or violations of human rights?

Yes. To report any human rights violation, it is necessary to file the complaint with the Constitutional Court, which can request assistance from the Human Rights and Equality Institution of Turkey (HREIT, 2020)

- Are there social programs specifically for migrants and their needs?

Yes. Turkey has a program called the Financial Assistance Program for Refugees (FRIT) that is funded by the European Union. This program contributes to the welfare of Syrians and those fleeing the region due to conflict. FRIT also provides support in areas like health, education, protection, and socioeconomic support not only to migrants, but to those involved like education staff, healthcare service staff, and others (European Commission, 2022). Hand in hand with FRIT, Turkey has a cash assistance program funded by the European Union, designed to help refugee families cover essential expenses such as rent, transportation, food, medicine, etc. through monthly transfers per family member.¹

Output indicators

- Does the State protect the right to an adequate standard of life of migrants?

Not clear. The State has mechanisms in place to ensure certain minimum standards for the general population; however, it is not possible to isolate the effect that it has only on the migrant population; but it is possible to assume that it does because this is measured for the general population. The results for some of the elements of the right to an adequate standard of life are calculated by the Human Rights Measurement Initiative (HRMI) (2022).

- Does the State provide differences in attention to priority attention groups within the group of migrants?

Not clear. Within the assistance programs mentioned, there is no indication of priority attention groups, but it is safe to assume that children, persons with disabilities and the

¹ There may be more social assistance programs for migrants; however, a couple of problems arise. The first problem is the language barrier in the search, and the second is that surely there are migrants who receive benefits from the Turkish State, without these being benefits exclusively focused on migrants. It should be noted that the mayor assistance programs in Turkey are funded by the European Union

elderly are prioritized given that this is enshrined in the Turkish Constitution (Turkish Const, Pmbl. and Articles 41, 50, 56, 57, 60, 61).

- Designated resources for the allocation of emergency medical care and assistance for migrants

Not clear. Turkey, through the FRIT, allocates resources to the assistance and medical care of migrants; however, this does not explicitly establish emergency care for migrants.

Performance indicators of national human rights institutions

- Number of complaints filed with the NHRI relevant to migrants

Not clear. The Human Rights and Equality Institution of Turkey publishes its annual activity reports. The activity reports do not contain figures on the number of complaints filed; however, within the published reports relevant to migration – return centers – there is an assessment of the conditions of these centers, and they claim to meet minimum standards (HREIT, 2020).

- Resolution of complaints submitted to the NHRI relevant to migrants

Not clear. The Human Rights and Equality Institution of Turkey publishes its annual activity reports. The activity reports do not contain figures on the number of complaints filed.

Turkey's legal setting

Structure and process

- Is there a specific law for migrants?

Yes. Turkey has the 'Foreigners and international protection law', which governs the process and principles of entry of foreigners to Turkey, their stay, and the scope and implementation of protection for foreigners when it is requested. The scope of this law covers the international protection provided at the borders and within the country in accordance with the request for protection of foreigners, as well as the current protection

provided to those who cannot return to their country of origin for various reasons. (Turkish Ministry of the Interior, 2013)

- What type of protection does the law provide for migrants relevant to the right to adequate standard of living?

The scope of this law covers the international protection provided at the borders and within the country in accordance with the request for protection of foreigners, as well as the urgent protection of the migrant population who cannot return to their country of origin for various reasons (Turkish Ministry of the Interior, 2013). Additionally, articles 88 and 89 establish that people who have been rejected from protection schemes as well as beneficiaries of the same and their families will have access to education, social assistance, and services, including medical insurance and work permits.

- Is there a difference in treatment that affects protection of the right towards refugees and/or asylum seekers?

Yes. Articles 61, 62 and 63 of the Foreigners and international protection law make distinctions in the protection and status of migrants. On the one hand, article 61 establishes that people from Europe who are being persecuted for whatever reason, or whose country has denied them that protection, or who cannot return to Europe for fear of any kind of persecution, will be given the status as a refugee at the end of his process. On the other hand, article 62 works under, but for people of nationality other than the European; the key difference is that these people will not be refugees but conditional refugees and will be allowed to live in Turkey until they can be resettled to a third country. Finally, article 63 establishes that the State has the obligation to protect foreigners or stateless people who do not meet the requirements to be refugees or conditional refugees. (Turkish Ministry of the Interior, 2013)

Turkey's cooperation mechanisms

Structure and process

- Does the State have an international cooperation mechanism that regulates or influences the protection of the rights of migrants?

Yes. There is a migration strategy between Turkey and the European Union, which seeks to reduce irregular migration to Greece through the Aegean Sea and by land between Bulgaria and Greece. In this strategy there are commitments from both parties, where Turkey undertook, among other things, to continue efforts to facilitate access for the Syrian population under temporary protection to basic services such as education, health services, and employment (European Commission, 2022).

Mexico's political institutions

Structure and process

- Is the state classified as a democracy?

Yes. The Mexican Constitution establishes in its article 40 that Mexico is a representative, democratic, federal republic, made up of free states where each state has a local constitution. (Mexican Const. Art. 40)

- The State applies the concept of separation of Powers?

Yes. Mexico has a separate governmental setting in 3 powers, the executive, the legislative and the judicial (Mexican Const, Art. 49).

- Does the country have a competitive political/democratic system?

Not clear. In Mexico there is a multi-party system and presidential and state elections are held every 6 years, while elections for the chambers of deputies and senators are held every 3 years; all elections are held in a staggered manner. Likewise, Mexico has a National Electoral Institute, which is the regulatory body on the matter, and a federal electoral court. Mexico is now a hybrid regime, moving down from a flawed democracy and the trend suggests that Mexico's democracy will continue to erode. (EIU, 2021).

- Does the State have a NHRI?

Yes. Mexico has its own NHRI (CNDH, translated in Spanish) created in 1993 and is the main government entity responsible for promoting and protecting human rights, especially against abuses by public officials or the State itself (Mexican Const, Art. 102). This NHRI

does not deal with issues of discrimination, but deals with grievances against journalists and civil defenders, care for victims of crime, trafficking, and disappearance of people from indigenous peoples, peoples and communities, bystanders, and economic, social, cultural, and environmental rights.

Additionally, Mexico has a Unit for Migration Policy, Registration, and Identity of Persons, as part of the Ministry of the Interior (Secretaría de Gobernación, na.). This organization oversees proposing the country's migration policy for the six-year term, as well as collecting raw data on migrants and their transformation into national statistics (Secretaría de Gobernación, na.).

Likewise, the Mexican State also has two scientific research centers, El Colegio de la Frontera Norte and Colegio de la Frontera Sur, dedicated to the sustainable development of the northern border and the southern border, studying regional phenomena to generate knowledge and guide development. from both regions. Although these are not government planning instruments, they are intended to be a relevant agent in the design of regional public policies. These institutes have the advantage, compared to any other research center, of having a regional focus and connected with neighboring nations (Colegio de la Frontera Norte, na.; Colegio de la Frontera Sur, na.)

- Does the State or the NHRI carry out studies on the protection of human rights?

Yes. The CNDH does not have within its functions the elaboration of studies on the protection of humans; however, the National Council for the Evaluation of Social Development Policy (CONEVAL) generates diagnostic studies on social rights in Mexico, including gaps in priority attention groups, but these studies do not disaggregate information on whether the beneficiary is a migrant or not (CONEVAL, na).

- Is the NHRI evaluated periodically?

Not clear. The CNDH has its own law, and Art. 6 establishes that there must be an annual evaluation of the issues/complaints that are under its responsibility. Likewise, the NHRI has budget programs under its responsibility, which are evaluated annually (CNDH, na.)

- Is there a mechanism to present and handle complaint or violations of human rights?

Yes. To denounce any human rights violation, it is necessary to file a complaint with the CNDH.

- Are there social programs specifically for migrants and their needs?

Yes. '3x1 for migrants' is a federal government program that supports the initiatives of organized Mexicans living abroad, giving them the opportunity to channel resources to Mexico to carry out works of social impact that directly benefit their communities of origin. Likewise, the National Migration Institute is responsible for four programs: i) Grupos Beta; ii) Country Heroes (Heroes paisanos, in Spanish); iii) Repatriation; and iv) Child Protection Officer. The programs provide humanitarian aid, first aid, migratory assistance, guidance, and information to migrants about their rights, the accompaniment of minors in their administrative migration process, assistance to reintegrate repatriated Mexican population, and provides education around the rights and obligations of migrants that are visiting and transiting through the country. (Instituto Nacional de Migración, na).

Output indicators

- Does the State protect the right to an adequate standard of life of migrants?

Not clear. The State has mechanisms in place to ensure certain minimum standards for the population in general and, in turn, has specific programs to guarantee some components within the right to an adequate standard of living, which allows assuming that it grants a certain level of protection for this population. The Human Rights Measurement Initiative (2022) measures how well is a country doing in the protection and fulfillment of human rights, and for the case of Mexico, it can also distinguish between the general population and migrants and/or immigrants. The following table shows information gathered by the HRMI about migrants at risk and their rights.

Table III.1 Percentage of human rights experts that identified that the population groups were at risk of having their rights violated

Population group	Right to food	Right to health	Right to housing	Right to work
Migrants and/or immigrants	91%	73%	82%	55%
Refugees or asylum seekers	73%	55%	55%	45%

Source Own elaboration based on the information of people at risk of the Human Rights Measurement Initiative (2022).

- Does the State provide differences in attention to priority attention groups within the group of migrants?

Not clear. Within the aforementioned assistance programs, there are no indications about priority attention groups, but it is safe to assume that children, persons with disabilities and the elderly are prioritized given that this is reflected in the Mexican Migration Law (Mexican Migration Law, Art. 6)

- Designated resources for the allocation of emergency medical care and assistance for migrants

Not clear. The State, through the assistance programs for migrants, allocates part of the national budget to the assistance and medical care of migrants, which is supported by Art. 8 of the Mexican Immigration Law; however, this does not explicitly establish emergency care (Mexican Migration Law, Art. 8).

Performance indicators of national human rights institutions

- Number of complaints filed with the NHRI relevant to migrants

From 2018 to 2022, only 3 complaints were filed that violated the right to adequate standard of living of the migrants involved (CNDH -a, b and c; Recommendations 15/2022, 2/2022 and 36/2020).

- Resolution of complaints submitted to the NHRI relevant to migrants

Of the three complaints filed with the CNDH from 2018 to 2022, the institution issued recommendations on all three, assigning institutional responsibility to the National Migration Institute, and dictating the way in which the damage to people should be repaired, providing medical care, free, immediate, and accessible and with their consent, as well as legal assistance if necessary (CNDH -a, b, and c; Recommendations 15/2022, 2/2022 and 36/2020).

Mexico's legal setting

Structure and process

- Is there a specific law for migrants?

Yes. Mexico has the Law on Migration. This law has a focus on the human rights of migrants, nationals, and foreigners, with special attention to vulnerable groups, such as the elderly, women, indigenous people, adolescents, and the elderly, as well as people who are victims of a crime (Mexican Migration Law, Art. 2). Likewise, Mexico has a law on refugees, complementary protection, and political asylum, which has the purpose of establishing the bases for the attention to applicants and assistance to asylees and refugees who are in national territory, with the objective of guaranteeing full respect for their human rights (Law on Refugees, Art. 3); where it stipulates the supports that guarantee respect for the components of the adequate standard of life.

- What type of protection does it provide for migrants relevant to the right to adequate standard of living?

The scope of this law guarantees every foreign person the exercise of their rights and freedoms recognized in the Mexican Constitution, international treaties and conventions ratified by Mexico, including educational services and medical care, shelter (Mexican Migration Law, Art. 8). Additionally, the law does not discriminate the realization of the right regardless of a person's immigration status (Mexican Migration Law, Art. 66, 67).

- Is there a difference in treatment that affects protection of the right towards refugees and/or asylum seekers?

No. Mexico's Migration law does not establish any difference in the treatment of migrants discriminating for any reason; however, the Law on Refugees, Complementary protection and Asylum seekers recognizes the legal difference between refugees and asylum seekers but does not remove the necessary measure of social and institutional assistance to guarantee a minimum floor on respect and fulfillment to the right to an adequate standard of living (Law on Refugees, Art. 54, 55, 56 and 57).

Mexico's cooperation mechanisms

Structure and process

- Does the State have an international cooperation mechanism that regulates or influences the protection of the rights of migrants?

No, Mexico does not have migratory agreements with the United States, although it does have them with some South American countries; however, for the purposes of this study, the latter are non-relevant.

III.6 Conclusion

This chapter not only addressed the methodological technique to be used, structured, focused comparison, but also delved into the specific sub-method that will guide the comparisons in the analysis section, Mill's method of differences. Using both methodological tools, we will first seek to find relationships or trends within the variables to be used, and later, find causal relationships if possible. Likewise, in this chapter the collection of information and data was carried out, which will be analyzed in the following chapter.

IV. Analysis of the findings and Discussion

IV.1 Introduction

This chapter will analyze the results of the indicators and questions asked in the previous chapter. First, I will expand on some limitations encountered throughout the analysis. Then I will explain what was collected in the data section, linking it with the literature reviewed and the methodology proposed for this work. Within the analysis of the information, I will not only compare answers with each other, but I will also try to provide complementary information to have a better understanding of the topic. Then I will apply the methodology to try to demonstrate the effect of institutions in respect of the right to an adequate standard of living of migrants and I will end by arguing for spaces for policy exchange between both countries.

Limitations

It is important to mention the limitations of this study when comparing the data with the methodology. In the process of adopting indicators, initially there was an extensive list of indicators, these being mostly recovered from the aforementioned literature; however, much of the required information was not available and/or not relevant to this work. This lack of information made some of the questions more exploratory in nature as they characterized both States on the variables of interest; however, this same exploratory characteristic makes the comparison more complex, since it is not possible to assign values or weight between observations.

A second factor to consider is the logical dichotomy of information, i.e., is a country a democracy because it claims to be? Or because it acts like one? This problem makes the contextualization of the comparison necessary, incorporating it as a factor to consider within the evaluation of each class and subclass, while recognizing that it is necessary to go deeper to be able to think about causation or correlation.

The third limitation is that it is not possible to separate the effect that the economic development of a country has on the respect and enjoyment of the human right to an adequate standard of living of migrants.

IV.2 Overall results of political institutions

This category contains the largest number of questions, from the verification that Turkey and Mexico are democratic countries, to the number of complaints filed and resolved by the National Human Rights Institution. Likewise, this is the only category where output and performance indicators were investigated.

On a large scale, we can say that both countries have the basic government building blocks according to Landman (2005), since under their own law, both Mexico and Turkey have pluralist, codified and standardized electoral processes and democracies; however, when introducing the variables of functioning of government, political participation, political culture, and civil liberties, these countries begin to fail drastically (EIU, 2021). We can also say that both countries are right to have a National Human Rights Institution which attends or assists in complaints/claims of human rights violations in their territory; however, Mexico has more supporting institutions that are part of the protection and respect for the human rights of migrants.

Regarding political institutions and the right to an adequate standard of living for migrants, both countries have programs to assist migrants so that they can satisfy the right to an adequate standard of living, however they do so in different ways and are financed differently. It is necessary to mention that Mexico has more social programs designed to assist migrants, and these cover various topics, from humanitarian aid to administrative processes.

When dealing with the output indicators, it is not possible to affirm that the States in question guarantee the right to an adequate standard of life of migrants, not because they do not guarantee a certain level of protection for these people, but because there is no reliable and accurate information to do so, and the same for priority attention groups within the migrant population. It is important to emphasize that here we find the first difference between countries, Mexico, by having more assistance programs for migrants, manages to reach where Turkey does not.

Finally, in the indicators section of the National Human Rights Institutions, there is a clear distinction in the availability of information, since although both countries prepare monthly reports, the Human Rights and Equality Institution of Turkey does not publish the number of complaints presented nor their resolutions, while Mexico does publish it for all kinds of complaints, not just violations of this human right.

IV.3 Overall results about the legal setting

This section only has structure and process indicators because it is difficult to quantify and qualify the law from what is written, without interpreting its application. As overall results it is possible to say that both countries have a specific law for migrants, providing protection and fulfillment of the right; however, Turkey makes an important separation in the protection of the human rights of migrants, Turkey differentiates the type of protection for refugees depending on the nationality of the person, benefiting people of European nationality over all others.

IV.4 Overall results about cooperation mechanisms

For the cooperation mechanisms, only one indicator was used, the existence of a mechanism, whatever it may be, that regulates or influences the protection of the human rights of migrants. For the purpose of this study, Mexico does not have international cooperation mechanisms, such as treaties or alliances, with the U.S., while Turkey has a migration strategy with Europe, which is funded by the European Union.

IV.5 Structured, focused comparisons

In this chapter we will apply the method of structured, focused comparisons, with Mill's method of difference technique. For this method to make sense, it is necessary to separate the observations by classes and subclasses and therefore the data will be analyzed by groups and subgroups, structure and process, output indicators, and performance indicators per variable, political institutions, legal setting, and cooperation mechanisms.

It is necessary to recognize the limitations of this study. Apart from the clear limitation of language, this study does not have quantitative variables with assessments, weights, or grading system, but rather qualitative variables where it is difficult to assign what is better

and what is worse, and where the context is of the utmost importance. In addition to the above, many of the responses are inconclusive or unclear, and should be considered as such, because it is not possible to affirm or deny with 100% confidence that the State or the institutions mentioned do or do not do something.

Regarding the number of questions and their weighting, this study did not consider that any 'class' or 'subclass' is more important than another, which can be observed in the research results (see Subchapter III.4 Results); i.e.: in the Turkish case, a large part of the funds allocated to the fulfilment to the right to an adequate standard of living come from the European Union, while in the Mexican case the funds come from the state.

The following subchapters will show the specific results of each class and subclass of variables applying the method established in previous chapters. It is important to remember that what is sought is to find if certain instances or configurations of different instances lead to a better or worse result in the fulfillment of the right addressed in this work; so, each comparison must be interpreted as a set of instances that lead to a result 'X'. In this case, the result is better compliance with the law. To perform the comparisons correctly, it is necessary to analyze each subclass in isolation. Although no numerical values will be used, each instance will be characterized by the response returned, assigning a different character. An explanation for each of the subclasses will be included later and, where possible and information permitting, I will carry out the proof of probably causation.

Structured, focused comparisons of political institutions

As presented in the results section, this 'class' is composed of three subclasses, structure and process, output indicators and performance indicators.

Structure and process

Eight variables were measured in this category (see Subchapter III.4 Results, sections Turkey's and Mexico's political institutions, subsections 'structure and process'). The following table allows visualizing the results.

1. Is the state classified as a democracy? Yes, on paper both countries are a liberal democracy. A1T and A1M = Y, where Y is an affirmative response.

2. The State applies the concept of separation of Powers? Both countries have separated powers of government. A2T and A2M = Y, where Y is an affirmative response.
3. Does the country have a competitive political/democratic system? Both are classified as a hybrid democracy by the EIU (2021). For the purposes of the study, both have the same democratic level, therefore they receive the same rating. A3T and A3M = Nc, where Nc means not clear. Among them, they're not better or worse off than the other.
4. Does the State have a NHRI? Both countries have a National Human Rights Institution. Both institutions have the same overall goal, yet their functions are different. A4T and A4M = Y, where Y is an affirmative response.
5. Does the State or the NHRI carry out studies on the protection of human rights? Both countries elaborate reports on the protection and fulfillment of human rights. A5T and A5M = Y, where Y is an affirmative response.
6. Is the NHRI evaluated periodically? While the Turkish NHRI is evaluated yearly, it is not clear that the Mexican NHRI is evaluated as a whole, even though the programs within the institution are. A6T = Y and A6M = Nc, where Y is an affirmative response and Nc means, no there is no explicit information regarding the subject.
7. Is there a mechanism to present and handle complaints or violations of human rights? Both countries have mechanisms to present and/or handle complaints addressing possible violations of human rights. A7T and A7M = Y, where Y is an affirmative response.
8. Are there social programs specifically for migrants and their needs? Both countries have social assistance programs, yet the focus of them are different and tend to different needs with different budgets. It is important to state that while Turkey has one big program, Mexico has several medium-sized programs. A8T and A8M = Y, where Y is an affirmative response.

Figure IV.1 Mill's Method of Difference on 'structure and process' within political institutions.

If							
A1T	A2T	A3T	A4T	A5T	A6T	A7T	A8T
(Y)	(Y)	(Nc)	(Y)	(Y)	(Y)	(Y)	(Y)
And							
A1M	A2M	A3M	A4M	A5M	A6M	A7M	A8M
(Y)	(Y)	(Nc)	(Y)	(Y)	(Nc)	(Y)	(Y)
Then							
A6T being 'Y' would indicate that there's probable reason to believe that Turkey is in a slightly better position than México because the HREIT is evaluated on a yearly basis, yet this information is not enough to state it as a fact, as A6M is 'Nc' and not 'N', where 'N' is a negative response.							

Source: Own elaboration.

Despite the fact that question 6, the periodic evaluation of the NHRI, has been positive in the case of Turkey and inconclusive in the case of Mexico, the probable reason to believe that Turkey is in a slightly better position than Mexico should be further tested to correctly assess this outcome. This is because although there is no mandate that says that it is necessary to evaluate it, the internal programs of the CNDH are evaluated by the State. Additionally, it is necessary to take question 8 into consideration, since although both countries have social assistance programs specifically for migrants, neither the amounts of money allocated, nor the resources mobilized are considered in the comparison.

For the purposes of this study, and considering the previous points, the structure and processes of the political institutions of Mexico and Turkey are virtually the same, recognizing the distance of resources allocated to social programs between both countries.

Output indicators

Three variables were measured in this category (see Subchapter III.4 Results, sections Turkey's and Mexico's political institutions, subsections 'output indicators'). The following table allows visualizing the results.

1. Does the State protect the right to an adequate standard of life of migrants? Both countries partially protect, and possibly to the best of their ability, the right in question. B1T and B1M = P, where P is 'partially'.
2. Does the State provide differences in attention to priority attention groups within the group of migrants? In both cases, none of the documents stipulates that there is priority attention to vulnerable groups within the migrant population; however, it is safe to assume that children, persons with disabilities and the elderly are prioritized. B2T and B2M = Nc where 'Nc' means not clear.
3. Designated resources for the allocation of emergency medical care and assistance for migrants. Both countries allocate resources to provide medical care and assistance for migrants; however, there is no indication that resources are allocated for emergencies. B3T and B3M = Nc where Nc means not clear.

Figure IV.2 Mill's Method of Difference on 'output indicators' within political institutions.

If		
B1T	B2T	B3T
(P)	(Nc)	(Nc)
And		
B1M	B2M	B3M
(P)	(Nc)	(Nc)
In this particular case, there is no difference between the groups.		

Source: Own elaboration.

In the Turkish case, it is not possible to identify the isolated effect that the programs have on the entire migrant population, since surely the number is not calculated or estimated by

the State; however, some elements of this right are being addressed by the Human Rights Measurement Initiative. In the Mexican case, certain elements encompassed in the right in question are also covered; however, Mexico collects information that Turkey does not, and it does so with a high level of disaggregation, classifying not only which components of the law are more likely to be violated, but also the probability that this happens, differentiating between migrants and immigrants, and refugees and asylum seekers. Although this does not cause a difference in the level of institutionalization, the collection of information with such a degree of disaggregation allows us to see areas for improvement in the attention to the right of the population in question.

Performance indicators

Two variables were measured in this category (see Subchapter III.4 Results, sections Turkey's and Mexico's political institutions, subsections 'performance indicators of NHRI'). The following table allows visualizing the results.

1. Number of complaints filed with the NHRI relevant to migrants. The HREIT does not generate indexes on complaints filed; however, the reports of relevant activities have assessments on the conditions of the return centers. In the Mexican case, indexes on complaints filed are not generated either, but the complaints filed are published, taking care of data protection. $C1T = Nc$ and $C1M = Y$, Nc where 'Nc' means not clear, and Y is an affirmative response.
2. Resolution of complaints submitted to the NHRI relevant to migrants. Like the previous answer, the HREIT does not generate indexes on the resolutions presented to the institution but publishes reports on its activities. In the Mexican case, the reports of complaints filed include the resolutions to the case. $C2T = Nc$ and $C2M = Y$, Nc where 'Nc' means not clear, and Y is an affirmative response.

Figure IV.3 Mill’s Method of Difference on ‘performance indicators’ of NHRI within political institutions.

If	
C1T	C2T
(Nc)	(Nc)
And	
C1M	C2M
(Y)	(Y)
It is not possible to determine that the CNDH outperforms HREIT just based on the lack of information. More information is needed to assess the difference in performance.	

Source: Own elaboration.

The lack of information on the Turkish side does not mean that it does not perform well, and it would be irresponsible to propose possible scenarios based on this. It is safe to say that Mexico has a bigger culture of creating and measuring data.

Structured, focused comparisons of legal setting

As presented in the results section, this 'class' is composed of a single subclass, structure and process.

Structure and process

Three variables were measured in this category (see Subchapter III.4 Results, sections Turkey’s and Mexico’s legal setting, subsections ‘structure and process’). The following table allows visualizing the results.

1. Is there a specific law for migrants? Yes, both countries have a specific law that tends to the migrant population. It is important to mention that Mexico goes further and has a general migration law and a specific law for refugees and asylum seekers. D1T and D1M = Y, where Y is an affirmative response.

2. What type of protection does it provide for migrants relevant to the right to adequate standard of living? Both countries provide extensive coverage to protect every migrant regardless of their condition within the limits of their own law without restricting the fulfillment of the right in anyway. $D2T$ and $D2M = Y$, where Y is an affirmative response.
3. Is there a difference in treatment that affects protection of the right towards refugees and/or asylum seekers? Turkey appears to discriminate based on nationality in protecting the human rights of migrants, granting ‘regular’ refugee status to European nationals, and conditional refugee status to non-Europeans nationals. Mexico does not seem to discriminate in the type of treatment. $D3T = Y$ and $D3M = N$, where Y is an affirmative response, and N is a negative response.

Figure IV.4 Mill’s Method of Difference on ‘structure and process’ within legal setting.

If		
$D1T$	$D2T$	$D3T$
(Y)	(Y)	(Y)
And		
$D1M$	$D2M$	$D3M$
(Y)	(Y)	(N)
Then		
<p>$D3M$ being ‘N’ would indicate that there’s probable reason to believe that Mexico is in a slighter better than Turkey because it doesn’t ‘discriminate’ based on the place of origin of the person.</p>		

Source: Own elaboration.

The difference in the legal setting between countries is the conditional protection offered to refugees by their country of origin by Turkey. This consideration should not be taken lightly. It is possible to understand that Turkey has this distinction due to the fact that it is part of the Council of Europe; however, it is possible to think that this law is discriminatory towards people whose nationality is not European.

Structured, focused comparisons of cooperation mechanisms

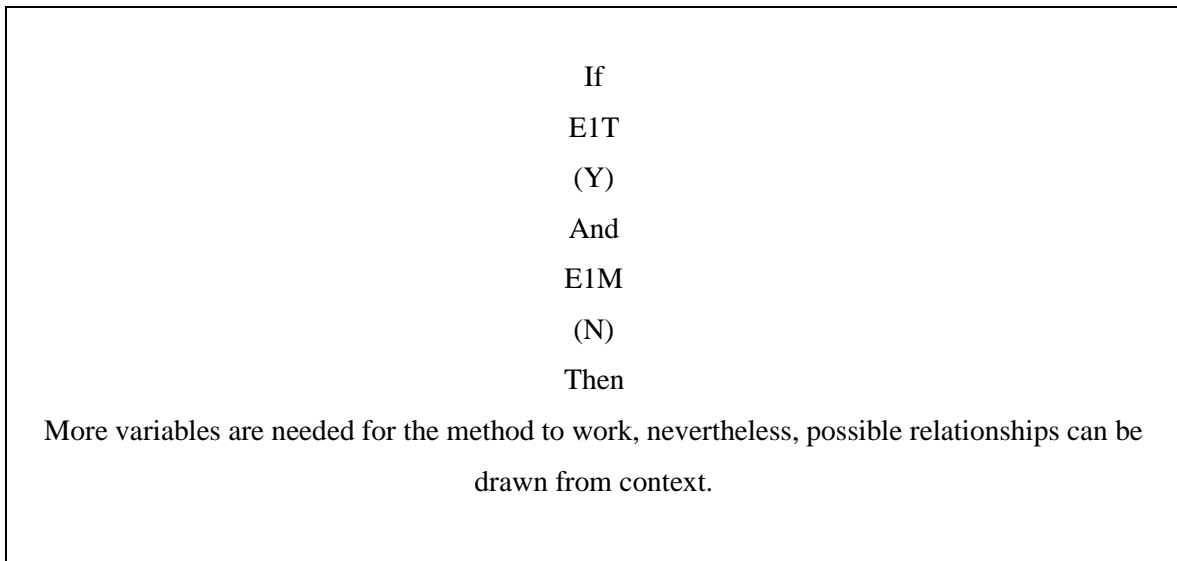
As presented in the results section, this 'class' is composed of a single subclass, structure and process.

Structure and process

One variable is measured in this category (see Subchapter III.4 Results, sections Turkey's and Mexico's cooperation mechanism, subsections 'structure and process'). The following table allows visualizing the results.

1. Does the State have an international cooperation mechanism that regulates or influences the protection of the rights of migrants? On the one hand, Turkey is part of an international cooperation mechanism with the European Union, which seeks to reduce irregular migration to the EU Member States by land and sea. On the other hand, Mexico lacks international agreements with the U.S. $E1T = Y$ and $E1M = N$, where Y is an affirmative response, and N is a negative response.

Figure IV.5 Mill's Method of Difference on 'structure and process' within cooperation mechanisms



Source: Own elaboration.

Although it is not possible to compare between States due to a lack of variables, it is possible to reach possible conclusions that explain whether the absence or presence of international cooperation mechanisms help or harm the protection of the right to an adequate standard of living for migrants. The fact that Turkey has a migration strategy to reduce irregular migration to the European Union does not prejudice the protection of the right; however, in 2020 Turkey stopped accepting irregular migrants from Greece, which caused these people to remain in Greece without access to political asylum, without information about their legal status, and without the right to social assistance, including housing, work permits or cash. assistance (International Rescue Committee, 2022). Mexico does not have a migration agreement with the United States, although it does have one with South American countries. While Mexico does not have an international cooperation mechanism with the US, the US has policies that impact the migration process of thousands of people, ‘Remain in Mexico’. This program is about to be dismantled under the new administration, although it is still in operation, and it allowed the American government to send migrants with open asylum migration processes to Mexico while they awaited their asylum hearings (Montoya-Galvez, 2022).

Although Turkey is part of an international cooperation mechanism for the benefit of migrants, this does not prevent the right to an adequate standard of living from being violated. In the Mexican case, the situation is worse since it acts de facto as a Third Safe Country for the U.S. without being formally so; outsourcing the protection of the right to Mexico. The foregoing then gives way to thinking that belonging or not to an international migration strategy is irrelevant, it is always necessary to contextualize the actions carried out and ensure that both parties protect the rights of migrants regardless of their immigration status.

IV.6 Conclusion

To conclude, we will separate the findings from the analysis into the classes established in the previous subsections. Within the political institutional setting, for practical purposes, both countries are virtually equal and offer, in principle, an adequate framework for the protection of this right to migrants. This does not mean that there is no deficit in the

provision of what is necessary to enforce the right, but rather that both countries do "what they can" to protect migrants and have the institutional tools recommended by the international community to do so.

One of the key discoveries is the conditional refugee classification, under the principle of nationality that Turkey has from the 1951 Convention relating to the Status of Refugees. This difference is mainly related to access to the labor market, which can be translated into income generation, as well as an administrative issue derived from the necessary documents to obtain such immigration status. This becomes more relevant when seen hand in hand with the conflict in Syria and the downward trend of the world economy.

Within the international cooperation mechanism, there is clearly an outsourcing of the maintenance of migration through different channels. While the European Union tries to keep irregular migrants out of European territory with the migration strategy mentioned above through a large source of financing, the U.S. it does so with a blatant disregard for the rights of migrants.

V. Conclusions and possible steps forward

The purpose of this research is to try to shed some light on the effects of institutions, law and international cooperation mechanisms in the recognition and realization of the rights of migrants, taking two countries as case studies, Mexico, and Turkey. In this study I conceptualized the types of migration, navigated through the intricacies of the right to an adequate standard of living, defined what institutions are for the purposes of this research, and finally argued about the role of democracy in the respect and fulfilment of human rights; and a few things arose.

When learning about human rights and democracy, it is important to bear in mind our positionality within our study. Lots of academics and politicians will assume with a high level of confidence, just like Landman, (2005) and Przeworski et al. (2000) state in their research, that there is a positive relationship between both concepts, which holds true for a relevant number of cases. However, it's inevitable to think that, with the rise of populism in developing countries, with different kinds of regime other than a liberal democracy, things

need to change and diversify. Zakaria (2003) has a very valid point. It is necessary to build a solid foundation on which to install respect for human rights before establishing guiding principles of a government such as democracy. Although it is arguable to think that democracy is the best we have so far, it is necessary to build for it, not on it, especially if we think of the global south. Even though it was not possible to assess it correctly through this research, more work should be done on the role of economic growth and development vis a vis democracy on the fulfilment of human rights.

It is necessary to mention that, despite the linguistic and methodological limitations, this research uncovered interesting results that partially confirm the proposed hypothesis, as well as results derived from the analysis that were not anticipated. First, institutions, not necessarily democracies, do have a positive effect – despite not being quantified – on respect for the human rights of migrants and it goes hand in hand with the thinking behind the International Humanitarian Law, it is better to have a set of rules that guide the actions of the States and fail to comply with the standards, than not having universal minimum floors to which to aim and exceed.

Second, and in the same way as the previous point, the existence of a legal setting is a great enabler of respect for the rights of migrants since it establishes minimum thresholds to be met, prioritizes vulnerable groups, founds the mechanisms on which to operate programs of social assistance, social integration, regularization, among many others. Yet, it is important to bear in mind that just like institutions, the law needs to change and adapt to new circumstances in order to be legitimate – thinking of law as an institution (Hodgson, 2006). It is important to mention that one of the most important findings was found in this area, the conditionality of refugee status. Analyzing the difference in legal setting between Mexico and Turkey, I found Turkey has a distinction, based on nationality, that grants European nationals the opportunity to apply for ‘complete’ refugee status if needed vis a vis a conditional refugee status for all non-Europeans national. This can be considered as highly discriminatory as the ‘complete’ refugee status has a better level of protection of human rights than the conditional one.

Third, the effect of international cooperation mechanisms is mixed, and it all depends on the observer. Take the case of Turkey and its migration program with the European Union. Turkey receives billions of euros to improve the humanitarian conditions faced by refugees in its territory, which is objectively good since the conditions of the migrant are being improved; however, the question behind is, why not receive migrants in European countries instead of keeping them in Turkey? Is this just an exercise outsourcing migrants' care? Answering this question would take further research, however it is important to ask the question.

V.1 Possible recommendations

Recognizing the limitations of the study, personal limitations on language, and the data available, there is a recommendation that would be costly to implement, yet functional in the bigger picture, data collection in Turkey. In my search for information and indicators to try and quantify and qualitatively assess the impact of institutions, I found that Mexico has more public information available on more subjects than Turkey, from indicators within the OECD and HRMI, to information available published by the HREIT. Measuring makes a difference not only for policy makers, but for further scientific research.

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