



STATEMENT

Ms. Louise Arbour

Secretary-General of the Intergovernmental Conference

**First Informal Thematic Session on
Human rights of all migrants, social inclusion, cohesion and all forms of discrimination,
including racism, xenophobia and intolerance**

8-9 May 2017

Dear Co-Facilitators,

Ambassador Juan José Gómez Camacho of Mexico, and Ambassador Jürg Lauber of Switzerland,

Dear Excellencies, esteemed guests,

I am grateful to be here with all of you today as we begin this first session on the human rights of migrants, looking at their social inclusion and cohesion in societies, and the necessity to counter discrimination including racism, xenophobia and intolerance against migrants.

Our shared objective is clear, expressly articulated in the Sustainable Development Goals and the New York Declaration: namely, to facilitate safe, orderly and regular migration. This is the first of six thematic session dedicated to that pursuit. This is also my first introduction to many of you as the Secretary-General's Special Representative on International Migration, and also as the Secretary-General of the conference.

I am pleased to share with you the issue brief prepared for this session which provides what I think is helpful evidence of facts and trends on the issues, with suggestions on possible ways forward for member states to consider. This was prepared with the support of the International Organization for Migration (IOM), and reflects the experience, expertise and analysis from across the UN system, particularly from, the Global Migration Group (GMG).

The existing international legal framework already provides the foundation upon which a global compact on safe, orderly and regular migration should be built. Member States' commitments in the New York Declaration remind us that all migrants, regardless of their migratory status, are entitled to enjoy all human rights as derived from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as other applicable law such as international labour and humanitarian law, law of the sea and international criminal law. It is a truism -- but no less worth explicitly acknowledging -- that

migrants are above all humans. As such, their access to the full panoply of human rights protections and entitlements must not be denied.

Beyond the rights framework, the international community has long recognized international migration as for the most part, a positive and empowering experience for migrants, which also generates benefits for societies in countries of origin, transit and destination. This is reflected in the Sustainable Development Agenda, the Sendai Framework for Disaster Risk Reduction, the Addis Ababa Action Agenda, the New Urban Agenda and the UN Framework Convention on Climate Change, all of which address migration comprehensively through development, humanitarian and human rights lenses.

But despite the already existing wide and robust body of international law, and clear political commitments to address migration, there is undeniably an implementation gap in the protection of the human rights of migrants. This gap is not an abstract notion – its consequences are very real for far too many. We see this gap, daily it seems, in migrants' access to health care, adequate housing, education and justice, in part due to lack of information and from cultural and/or linguistic barriers.

The first step towards ensuring that migration policies are grounded in human rights norms and standards, is to ratify and implement all international and regional human right instruments and related conventions. We must reaffirm in both policy and practice the fundamental importance of respecting, protecting and fulfilling the human rights of all migrants.

Let us be clear – the fundamental principle of the universality of human means that those individuals deemed irregular migrants also have rights. While irregular entry and stay may constitute administrative offences for non-refugee migrants, they are not crimes per se against persons, property or national security. And while states retain the sovereign prerogative to order their removal, the very presence of such migrants under their jurisdiction places certain obligations on national authorities.

Indeed, irregular migration enhances the vulnerability of migrants in multiple ways. Deep-seated attitudes of prejudice and xenophobia to which migrants are often confronted, are exacerbated in the case of migrants in irregular situations. Irregular migrants almost inevitably face practical barriers that render them disproportionately vulnerable to discrimination, marginalization and abuse. Many irregular migrants work in informal sectors of the economy, such as agriculture or domestic work, which often have poor, exploitative working conditions. Fearing the risk of detention or deportation, many may be apprehensive to address these conditions. The same fears often hinder irregular migrants from reporting crimes, whether against them or to others in their community. Putting in place "firewalls" between immigration enforcement and public services is an effective way to facilitate access to justice, housing, health care, education, social protection and social and labour services for migrants.

The erroneous perception of an increased influx of irregular migration, combined with a lack of trust in state capacities to deal with such influxes has led to increased intolerance and rejection of migrants. Distrust grows between host communities and irregular migrants when an effective migration policy is not in place, devolving into an “us vs. them” mentality between nationals and migrants. Overly restrictive access to legal pathways, or even mere inaction in the face of strong drivers of migration, inevitably encourages irregular migration, thereby feeding into xenophobic and racist attitudes against all migrants. This creates a downward spiral of hatred that risks becoming insurmountable.

In contrast, facilitating access to legal avenues for migration, through some combination of expanded opportunities for family reunification, study, humanitarian considerations and access to work at all skills levels, will reduce the need for many to migrate through irregular channels.

It is incumbent on all of us to take the lead in enacting migration policies that will contribute to changing the negative perceptions of migration. Migrants are not a burden. Even less so are they a threat. Properly managed, migration stands to benefit all. Redressing violations of the human rights of migrants will contribute to changing the negative narrative that precludes the enjoyment by all of the dividends of human mobility.

States must therefore closely examine their migration policies and ask which among them effectively discourage irregular migration, and which have the consequence of actually encouraging the use of irregular routes. Only then will efforts to facilitate mobility and expand legal pathways be most productive.

In adopting this approach, I would encourage states to work with the private sector – through both persuasion and better implemented regulation – in eliminating or at least curbing the informal economy which can serve as a driver of irregular migration. The better regulated migration is, the easier it will be to reduce migrants’ vulnerabilities. This in turn will help regain the trust of the public in state capacities to address migration in a safe and orderly fashion, and would be a major step towards the transformation required of both migrants and host communities to foster social cohesion.

Effective protection and inclusion of migrants will depend on ensuring that societies as a whole are invested in the success of this endeavour. This necessitates policy considerations for host communities that are, in some cases, facing a plight similar to that of the migrants themselves in terms of social exclusion or poverty. Policies related to migrants must include the participation of all actors with a stake in the outcome, including local governments, trade unions, employers’ organizations, national human rights bodies, private sector, recruitment agencies, security and justice service providers, civil society and youth organizations and migrants. In this regard, I am happy to support the UN TOGETHER initiative which promotes respect, safety and dignity for all migrants.

Let me conclude by emphasising that the success of your discussions today and tomorrow – in fact, the success of this entire process leading up to the creation next year of a global compact for safe, orderly and regular migration – will be measured not by how many reiterations we collect of our shared commitment to our universal human rights.

Success will not even rest solely on reaffirmed commitments to implement fully our shared human rights through more effective policies and better designed regulations. Rather, I believe, success will rest in large part on your sustained engagement, in word and deed, to changing the optic by which we view migration, from a phenomenon currently feared by too many, to one that better reflects its overwhelmingly positive impact on society. Success, in other words, requires your leadership.

I hope this session will stimulate our thinking towards a people-centred, human rights-based and gender-responsive global compact, coupled with the overarching objective of the Sustainable Development Goals to leave no one behind. I stand ready to support you in your deliberations now and in the months ahead, as we work together towards that worthy objective.

Thank you.