



European Union

**First informal thematic session on Human rights of all migrants, social inclusion, cohesion,
and all forms of discrimination, including racism, xenophobia, and intolerance for the UN
Global Compact for Safe, Orderly and Regular Migration**

(8-9 May 2017)

Statement by

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- CHECK AGAINST DELIVERY -

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EU Statement

Panel 1: Protecting the human rights of all migrants

The **EU and its Member States welcome that the first preparatory thematic session** is specifically devoted to human rights of all migrants. The EU will also actively work to ensure that human rights are mainstreamed throughout the Global Compact.

We **recall the core international human rights treaties** and that States must fully **protect the human rights of all migrants**, regardless of their migratory status. We should pay particular attention to addressing the specific needs of **migrants in vulnerable situations**, including women at risk, children, persons with disabilities, persons who are discriminated against on any basis, victims of violence, and victims of trafficking.

Let me highlight the need to protect the human rights and fundamental freedoms of all **migrant children**, regardless of their status. The **best interests of the child** shall be a primary consideration in all actions concerning children, including unaccompanied children and those separated from their families, in accordance with the Convention on the Rights of the Child and its Optional Protocols. For the sake of every child, we need to strive to provide migrant children with a nurturing environment for the full realization of their rights and capabilities. Children need to be protected from all forms of violence and exploitation such as child labour, child early and forced marriage as well as child trafficking. We should promote their right to be heard. The widespread phenomenon of missing migrant children also needs to be addressed.

Further, we must ensure the mainstreaming of a **gender perspective**: promote gender equality and the empowerment of all women and girls, tackling the multiple and intersecting forms of discrimination against migrant women and girls, combatting all forms of violence, including trafficking for the purpose of sexual exploitation. This is also to address sexual and gender-based violence against women, men, girls and boys and to meet their gender-specific psychosocial, health, and other needs.

We need to ensure, as appropriate, access to basic services for migrants, in particular **access to education, health care, justice**, and language training.

We would like to recall the obligation of all States as enshrined in international law to **accept the return of their nationals**, call upon States to cooperate towards that end, and facilitate the return of their nationals who do not have a right to stay on other states' territory. These returns and readmissions must be carried out in full compliance with international law, including international human rights and international refugee law and in particular the principle of non-refoulement as established by the 1951 Refugee Convention, in a safe and humane manner. A human rights-based approach demands full respect for human rights and dignity of the returnees, the prohibition of collective expulsion and ensuring fair standards and procedures of return, and respect of the right to effective remedy, as well as access to information about rights and obligations. This includes access to legal support, translation, interpretation and counselling services.

We need to ensure that **deprivation of liberty** is only used when less coercive measures are not sufficient to achieve the legitimate objective. At the same time, we should promote improved conditions of administrative detention for detained migrants and the use of alternatives to administrative detention. In particular, we need to recognise the negative effects that the **administrative detention has on children**. Bearing in mind that in some exceptional cases detention of children might occur for the purpose of determining migration status, we need to ensure that the deprivation of the liberty of migrant children should be a measure of last resort, for the shortest possible period of time and in a manner that takes into account, as a primary consideration, the best interests of the child. We should increase the focus on alternatives to administrative detention, as to ensure a viable range of appropriate alternatives to the administrative detention of children in migration.

In conclusion, we need to ensure that human rights are at the centre of all policies addressing large movements of migrants. At the same time, it is important to recognize that States have rights and responsibilities to manage and control their borders, as an important element of security for states, in conformity with applicable obligations under international law.

Panel 2: Ensuring social inclusion and cohesion in the context of migration

The **EU and its Member States welcome that this first preparatory thematic session** is specifically devoted to human rights of all migrants, and this session looking into social inclusion.

Social inclusion is a prerequisite to enjoy one's human rights in any society. It is therefore crucial to **promote, as appropriate, the social and economic inclusion** of migrants who are legally staying in host societies; also promote, as appropriate, inclusion and support of legally staying migrants in transit countries.

It is important to ensure, as appropriate, **access to basic services**, including gender, child and disability responsive services for migrants with particular reference to access to education, health care, justice and language training.

We need to pay particular attention to the application for legally staying migrant workers of the **same labour standards** and to the principles and guidelines for fair recruitment as agreed at ILO tripartite meeting of September 2016. We should ensure the right to organize to legally staying migrant workers without distinction or discrimination of any kind, and recognize that collective bargaining and the full exercise of migrant workers' freedom of association is a means of ensuring that their needs and concerns are effectively represented and of ensuring equality of legally staying migrant workers with nationals when negotiating their terms and conditions of work.

Social inclusion requires **substantial contributions of civil society**, diaspora-led organisations, the private sector, media, academia as well as social partners, in order to promote, as appropriate, integration of legally staying migrants into societies. Large movements of migration should be addressed from a needs-based perspective, underpinned by a rights-based approach encompassing all human rights, through long-term development co-operation involving, as a rule, development actors, including local ones, from the early stages. Local and national development plans should also reflect socio-economic inclusion.

Integration is a dynamic two-way process of mutual accommodation by all migrants and residents of Member States. It encompasses elements of participation, interaction and cohesion by legally staying migrants and receiving societies - with the aim of facilitating equal enjoyment of human rights and fundamental freedoms. At the same time, we would like to recall the obligation for migrants, as for all other inhabitants, to fully observe the fundamental values, including democracy,

the rule of law, and the respect for fundamental rights as well as laws and regulations of their host countries. We should further support exchange of best practises and involvement of different stakeholders to find responses to the challenges and the opportunities posed by international migration.

Panel 3: Confronting all forms of discrimination, including racism, xenophobia and intolerance against migrants

The **EU and its Member States welcome that this first preparatory thematic session** is specifically devoted to human rights of all migrants, and this session looking into combating all forms of discrimination.

At the outset, we would like to recall the **obligation under international law prohibiting discrimination** of any kind on the basis of race, colour, sex, language, religion, political or other opinion, national or ethnic origin, property, birth, sexual orientation, gender identity, age, disability or other status. The principle of non-discrimination is, for instance, anchored in Art. 21 of the European Charter of Fundamental Rights.

EU would like to reiterate its strong commitment towards the total elimination of all forms of racial discrimination, within its borders and in the world.

Whilst a strong legislative framework is already in place to combat racism and xenophobia as well as to protect all victims, the EU took important initiatives to further efforts to prevent and counter the scourge of racism, racial discrimination, xenophobia and related intolerance.

Together with our Member States, we take up in particular the **New York Declaration's commitment** to counter acts and manifestations of racism, racial discrimination, xenophobia and related intolerance against refugees and migrants. We have already been doing a lot on our New York commitments, within the EU and with our external partners, in particular with regard to preventing and countering prejudice, hate crime and hate speech. This includes the creation of platforms, such as the **EU High Level Group on combating racism, xenophobia and other forms of intolerance**, to foster peer learning and exchange of best practices between Member States, civil society and international partners, targeted action against the spread of illegal hate speech on the internet, and initiatives to foster balanced narratives and a pluralistic media environment which can promote a well-informed public debate around these issues. A hate crime training guide for law enforcement and criminal justice authorities or an overview of resources and initiative to support hate crime training programmes in the EU Member States as well as the first implementation report about the efficiency of the EU Code of Conduct on countering illegal hate speech online have already been published and are available on the website of the High Level

Group. EU policies are also evidence based and the European Union Agency for Fundamental Rights regularly provides data and reports on developments around migration and hate crime.

Thus, it is of outmost importance to promote the adoption of measures **combatting all manifestations of racism**, racial discrimination, xenophobia and related intolerance towards all migrants and support activities in the fight against hate crimes and hate speech, including online. In the same vein, we need to promote tolerance, non-discrimination, fundamental freedoms and solidarity, including through initiatives reinforcing interreligious and intercultural dialogues, and narratives to counter extremist ideologies through **appropriate communication strategies**. The fight against racism, racial discrimination, xenophobia and related intolerance in society needs to be fostered by awareness-raising campaigns.

Panel 4: Summary panel

The **EU and its Member States welcome that this first preparatory thematic session** was specifically devoted to human rights of all migrants, and thank the moderators and panellists for their valuable contributions. The outcome and conclusions of today's consultation will inform our discussions in the forthcoming thematic sessions and in this regard the EU will seek to ensure that human rights are mainstreamed throughout the Global Compact as a whole.

We would like to express our full support to the Special Representative of the Secretary-General for international migration and the co-facilitators in taking forward the preparatory process for the Global Compact on Migration towards an ambitious outcome, connecting all migration aspects in a balanced way.

In today's migration context, we also need to acknowledge a **shared responsibility to manage large movements of migrants** and highlight the need for close cooperation among origin, transit and destination countries in this regard.

We should further support the exchange of best practises and involvement of different stakeholders to find responses to the challenges and the opportunities posed by international migration.