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**99th Session of the Council of the
International Organization for Migration**

Item 9: Global Migration Group

Address by

Ms. Navi Pillay

United Nations High Commissioner for Human Rights

Chair of the Global Migration Group

**Room XVII, Palais des Nations, Geneva
Wednesday, 1 December 2010, 15:00 – 16:00**

Director-General,
Distinguished Delegates,
Colleagues,
Ladies and Gentlemen,

It is my pleasure to address this, the 99th Session of the IOM Council. I would like to thank the International Organization for Migration for inviting me and engaging so actively with my Office on the GMG. We 14 UN agencies, IOM and the World Bank join hands in the GMG to seize the opportunities and to respond to the challenges presented by international migration. We do so by working constructively with Governments, civil society, social partners, national human rights institutions and other stakeholders.

The GMG recognizes that international migration is an important, complex and multi-dimensional issue. It seeks to promote wider application of all relevant legal instruments and achieve a greater coherence in the international response to migration.

OHCHR assumed the Chair of the GMG on 1 July 2010 with a responsibility for ensuring the promotion and protection of the human rights of all migrants. At the Working Level Meeting of the GMG agencies on 16 August 2010 there was general

agreement on the usefulness of focussing on the protection of migrants' human rights. Specifically OHCHR proposed that the thematic discussion be focussed on the human rights protection gaps—in law and practice—faced by migrants in an irregular situation. Our aim is to identify common positions, responses and actions to address this crucial challenge.

Distinguished Delegates,

Today, 214 million people, about three per cent of the world's total population, are international migrants, while the number of internal migrants is estimated at 740 million. Migration affects us all. Many countries are now simultaneously countries of origin, transit and destination.

It is a well established fact that migrants contribute to economic growth and human development both in countries of origin and destination. Officially recorded remittance flows to developing countries alone are estimated to reach \$325 billion in 2010, according to the World Bank's Migration and Remittances Factbook 2011.

While for many migrants, migration is a positive and empowering experience, far too many others still have to endure human rights violations, discrimination, and exploitation.

In particular, the plight of migrants in an irregular situation is one of today's most critical human rights challenges. Perhaps the most important point to stress is that migrants, whether regular or irregular, should enjoy the same fundamental human rights as anyone else. Although their number is unknown, they are estimated to be in the tens of millions worldwide. It is for this reason that the GMG Principals on 30 September jointly adopted a landmark statement calling for the effective promotion and protection of the human rights of all migrants, particularly for those in an irregular situation.

These migrants are more likely to face discrimination, exclusion, exploitation and abuse at all stages of the migration process. They are often denied even the most basic labour protections, due process guarantees, personal security, education and healthcare. They often face prolonged detention or ill-treatment, and in some cases enslavement, rape or even murder. They are more likely to be targeted by xenophobes and racists, victimized by unscrupulous employers and sexually attacked, and can easily fall prey to criminal traffickers and smugglers. Because of their irregular status, these men, women and children are often afraid or unable to seek protection and relief from the authorities of countries of origin, transit or destination.

Children, especially those unaccompanied and separated from their families, are particularly at risk. They are often banned from classrooms or denied other fundamental rights. A recent study by my Office, with contributions from UNICEF and other GMG agencies, has identified “serious protection gaps for migrant children in every region of the world.” Women and girls face greater risk of sexual exploitation, gender based violence, multiple discriminations and specific challenges in access to employment and health services, including reproductive healthcare. People who leave their own countries because their lives and liberty are at risk are often obliged to move without personal documentation and surreptitiously and find it increasingly difficult to seek and obtain refugee status.

As widely reported by the UN and IOM, human mobility makes economies and societies more dynamic and prosperous. Even beyond the human rights imperative, protection and human development gains could be realized by ending the criminalization of irregular migrants, reducing barriers to human mobility and expanding channels for regular migration.

Although States have legitimate interests in securing their borders and exercising immigration controls, such concerns do not trump the obligations of States to respect the internationally guaranteed rights of all persons, to protect those rights against

abuses, and to fulfill the rights necessary to enjoy a life of dignity and security. These rights, including civil, economic, social and cultural rights are guaranteed by the core international human rights instruments and by customary international law. The right to just and favourable conditions of work is also elaborated in the over 180 conventions of the International Labour Organization, including two instruments specifically designed to protect migrant workers. As President Calderon put it at the GFMD: “No migration policy – none – ought to be above the rights of the individuals. Human rights are universal and are above any border and any sovereignty.”

To mark the 60th anniversary of the Universal Declaration of Human Rights in 2008, the GMG launched a joint publication on international migration and human rights. Indeed, the Universal Declaration provides a solid and common basis to ensure the effective promotion and protection of the human rights of all migrants. Human rights violations against migrants are often closely linked to discriminatory laws and practice, and to deep-seated attitudes of prejudice and xenophobia against them. The principle of non-discrimination is fundamental in international human rights law and runs across all international human rights instruments inspired by the Universal Declaration, notably the International Covenant on Civil and Political Rights

and the International Covenant on Economic, Social and Cultural Rights.

On December 10, Human Rights Day, we celebrate human rights defenders who fight discrimination in all its forms. These brave advocates, some famous, many unknown, speak out against exclusion and inequality and stand up for human rights often at great personal risk to themselves and their families. With their ideas and action, defenders carry on the vision of the Universal Declaration of Human Rights, which sixty-two years ago on this very day, reminded the international community of the “inherent dignity” and the “equal and inalienable rights of all members of the human family.” The Declaration set the foundation for a world free from fear, want and intolerance, where the strong are accountable and the vulnerable are protected. The latter include migrants in an irregular situation.

These migrant workers are often treated as veritable pariahs in the communities where they seek a better life. While advocacy on behalf of settled migrant communities has made great strides, defenders of the rights of irregular, undocumented migrants need to be more visible and vocal. Champions are needed because irregular migrants may be understandably unwilling to speak up for their rights and face the risk of retribution. I sought to encourage advocates to come forward and in greater numbers

when I addressed the GFMD in Mexico last month. The urgency of my appeal stems from the plain reality that irregular migrants are extremely vulnerable to discrimination, exploitation and abuse.

This year, as we commemorate the 20th anniversary of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families, we urge those States that have not yet done so to ratify the Convention and ensure its effective implementation, thus seizing the opportunity to send a strong signal of commitment to ensuring the human rights of every person. For State parties to the Convention, we urge you to make the rights guaranteed therein a reality through concerted efforts at implementation. And even if for States which are not yet party to the Convention, they must ensure that domestic laws and regulations conform to international human rights standards.

Distinguished delegates,

At the next GMG Working Level Meeting proposed for the third week of this month, OHCHR will hand over the Chairpersonship of the GMG to UNICEF. OHCHR will continue to work with UNICEF and UNESCO, the incoming Chair in the second half of 2011, as a member of the GMG Troika.

We must work together to address the root causes of irregular migration and the demand side of trafficking; to combat xenophobia, racism and incitement to discrimination in national politics, public discourse and the media; to develop practical and forward looking migration policies; to protect all migrants, as well as to actively promote tolerant societies in which every person can enjoy his or her human rights.

I thank you for your attention.