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Fourth Global Forum on Migration and Development

Address by

Ms. Navi Pillay

United Nations High Commissioner for Human Rights

Chair of the Global Migration Group

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Excellencies,
Colleagues,
Ladies and Gentlemen,

It is my pleasure to address the Fourth Global Forum on Migration and Development as Chair of the Global Migration Group (GMG). I would like to thank our host, the Government of Mexico, for inviting me and engaging so actively with the GMG. We 14 UN agencies, the International Organization for Migration and the World Bank join hands in the Global Migration Group 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 and other stakeholders. This Forum is an excellent opportunity for such collaboration. We are keenly aware that the challenges we face are many and multifaceted. And we are convinced that in the face of these multiple challenges, a human rights-based approach to migration that anchors migration policies in a system of rights and corresponding obligations established in international legal standards will contribute to more effective and humane policy decisions. The promotion and protection of the human rights of all persons, regardless of their immigration or any other status, is a shared commitment of all Governments represented here today. We trust that with this unity of purpose, we will rise to the challenges and help make migration a positive experience for all.

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. Migrants contribute to economic growth and human development both at home and in host countries. Officially recorded remittance flows to developing countries alone reached \$316 billion in 2009. This does not include the substantial amount of remittances to developed countries, such as France, Spain, Germany, Belgium and Britain, which according to World Bank data, are among the top 20 recipients of migrant remittances. But positive contributions of migrants go far beyond the economic realm. Migrants enrich societies through cultural diversity, foster understanding and respect among peoples, and contribute to better demographic equilibrium in aging populations. But while for many, migration is a positive and

empowering experience, many others are forced to endure human rights violations, discrimination, and exploitation.

We the 16 agencies of the Global Migration Group are committed to working with you to realize the benefits of migration for development and to safeguard the human rights of all migrants. Currently there are \$240 million worth of multilateral projects in this area. But much more needs to be done. This is the case concerning documented migrants with full legal authorization to live and work where they are, yet still face discrimination in employment, schools, access to health care and many other aspects of their daily lives. This is even more so for migrants in an irregular situation. Although their number is unknown, they are estimated to be in the tens of millions worldwide. On 30 September this year, the GMG Principals adopted a landmark statement speaking out in one voice for the protection of the human rights of all migrants, particularly those who are in an irregular situation.

Migrants in such a situation 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 labor protections, due process guarantees, personal security, 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 sexual predators, and can easily fall prey to criminal traffickers and smugglers. Rendered vulnerable by 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.” Female migrants in these situations 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 in an irregular manner and find it increasingly difficult to seek and obtain refugee status.

Too often, States have addressed irregular migration solely through the lens of sovereignty, border security or law enforcement, sometimes driven by hostile domestic constituencies. Yet we know that human mobility, as underscored in UNDP's 2009 Human Development Report, 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.

Although States have legitimate interests in securing their borders and exercising immigration controls, such concerns do not trump the obligations of the State to respect the internationally guaranteed rights of all persons, to protect those rights against abuses, and to fulfill the rights necessary for them to enjoy a life of dignity and security. These rights, such as the right to life, liberty and security, the right to seek and enjoy asylum, the right to a fair trial and to legal redress, the right to health, food, adequate housing, just and favourable conditions of work; and the right to be free from arbitrary arrest or detention, to be free from discrimination, and to be free from slavery, involuntary servitude or torture, are guaranteed by the core international human rights instruments and by customary international law.

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 for us all in our efforts to ensure the effective protection 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.

Today, all UN Member States have ratified at least one of the nine core international human rights treaties, and 80 percent have ratified four or more conventions that guarantee these rights. International law is loud and clear. It prohibits discriminatory treatment against migrants, whether they are in regular or irregular situations, and protects their rights and freedoms.

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 thus seize the opportunity to send a strong signal that you are committed 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 on the ground through concerted efforts at implementation. And even if you are not yet parties to the Convention, we urge you to ensure that domestic laws and regulations conform to international human rights standards. For our part, the GMG is committed working with you to promote and protect migrants' rights, including through capacity building.

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.

The irregular situation in which many international migrants find themselves should not be seen to deprive them either of their humanity or of their rights. To conclude, let's remind ourselves of the fundamental principle of the Universal Declaration of Human Rights: "all human beings are born free and equal in dignity and rights"

Thank you. I wish you a fruitful and successful meeting.