

OHCHR Panel discussion
“Addressing vulnerability of migrants to racism, xenophobia and discrimination”
4 May 2011, New York

Remarks by Richard Morgan, Director, Policy and Practice, UNICEF
on behalf of the Chair of the Global Migration Group (GMG)

Assistant Secretary-General Mr. Ivan Simonovic,
Distinguished delegates,
Colleagues,

Introduction

I am very pleased to speak today at this panel discussion on addressing the vulnerability of migrants to racism, xenophobia and discrimination. I would like to thank the Office of the High Commissioner for Human Rights and the Permanent Mission of Mexico for organizing this very important and timely event in light of the 10th anniversary of the Durban Declaration and Plan of Action and the upcoming General Assembly Informal Thematic Debate on International Migration and Development.

In Durban, States strongly condemned the manifestations and acts of racism, discrimination and xenophobia against migrants and the stereotypes often applied to them. However, a great deal of evidence indicates that migrants, particularly those in an irregular situation, are still vulnerable. It is GMG’s hope that discussions such as today’s will increase awareness of this phenomenon and underline that respecting, protecting and fulfilling migrants’ rights is crucial to ensuring migration’s benefits are maximized for all.

I would like to take the opportunity to say a few words about some of the very important issues being touched on in today’s discussion: discrimination in relation to social and economic rights; the positive contribution of migrants; and the vulnerability of migrants, in particular women and children, to xenophobic violence.

Discrimination in relation to the social and economic rights of migrants

In addition to ensuring migrants’ wellbeing, it is clear that protecting their economic, social and cultural rights is closely linked to social inclusion and integration. Integration in turn enables migrants to lead more economically productive lives, and contribute culturally and socially to their host communities.

The International Covenant on Economic, Social, and Cultural Rights (ICESCR), among other key international instruments, underlines States’ obligations to take steps to progressively realize the full enjoyment of economic, social and cultural rights for every person within the state’s jurisdiction.¹ However, migrants are routinely victims of a wide range of constraints to these rights. They are frequently subjected to deprivations regarding education, health care, housing, and social security, among others.

¹ ICESCR, Article 2, and CESCR, General Comment 3 on the Scope of States Obligations.

Constraints in the enjoyment of fundamental rights are also linked to migration control mechanisms in which, for example may prevent many migrants in irregular situations from accessing the right to health, to education and to adequate housing. Laws imposing duties on public officials to report undocumented migrants may deter them from accessing healthcare services, sending their children to school, and leave them to seek out substandard housing, out of fear of detection and deportation.

The positive contribution of migrants

Despite their contributions to countries of origin and destination, migrants are often made scapegoats for social problems in host countries such as criminality and unemployment. We suggest that migration policies be designed with a view to facilitating the positive contributions that migration can bring to economies and societies. Essential to this goal are the obligations of states to ensure a basic standard of living and wellbeing for all migrants in line with internationally guaranteed social and economic rights. This should be complemented by adequate responses to racist and discriminatory practices that undermine potential contributions by migrants.

The vulnerability of migrants, in particular women and children, to xenophobic violence

Whether on their own or with family, children are increasingly becoming migrants in search of survival, security, improved standards of living, education or protection from abuse. However, children face serious risks at every stage of the migration process, including trafficking, abuse and exploitation. Unaccompanied and separated children are particularly vulnerable.

Similarly, while migration can provide new opportunities to improve women's lives and transform unequal gender relations, it can also expose women and girls to new risks such as sexual exploitation, trafficking a HIV transmission.

Gender-based discrimination intersects with discrimination based on factors, such as race, ethnicity, religion and economic status thus forcing many women into situations of double or triple marginalization.² The fact that such discrimination is often embedded in formal structures leaves women at risk, with limited remedies available to them for violations of their rights.

Xenophobia and violence directed at migrants severely exacerbates the vulnerability of migrant women and children. Therefore, incorporating a special focus on gender and children is critical to effectively addressing the effects on the most vulnerable. Addressing negative perceptions of migrants within host communities is also a key element of promoting their integration.

Conclusion - Addressing the vulnerability of migrants to ensure greater impacts of migration on development

Assistant Secretary-General, distinguished delegates and colleagues,

² UN Special Rapporteur on violence against women. See in particular the following reports: *Intersections between culture and violence against women* (A/HRC/4/34), *Intersections of violence against women and HIV/AIDS* (E/CN.4/2005/72), *Trafficking in women, women's migration and violence against women* (E/CN.4/2000/68).

The extent of current challenges on this matter prompts us to remind ourselves of the commitments made in Durban, to evaluate progress, and to revitalize our efforts. Identifying existing good practices on these issues, and ensuring that discussions such as today's continue to feature high on the international community's agenda, are key steps in that direction.

In closing, I would like to reiterate the GMG's commitment to working effectively with Member States, civil society and partners to identify comprehensive strategies and operational responses to address the challenges, and maximize the positive impacts, of migration on development as well as of development on migration. The GMG will continue to promote the wider application of all relevant international and regional human rights instruments and norms relating to migration and to help partners to address the causes and consequences of racism, xenophobia and discrimination against migrants.

The vulnerability of migrants to racism, xenophobia and discrimination was prioritized by OHCHR during its chairmanship of the GMG in the second half of 2010. In particular, OHCHR prioritized these themes with regard to irregular migration. UNICEF, as the current chair of the GMG, has continued to prioritize these issues, by including a focus on the social integration of young migrants in the GMG Symposium, to be held on 17-18 May.

As Chair of the GMG during the first half of 2011, I would like to thank OHCHR once again for organizing this very important panel. The GMG looks forward to the outcomes of today's discussion and trusts that these will be pertinent to the Member State discussion during the General Assembly Informal Debate as well as the Symposium in two weeks' time.

Thank you.