

**PANEL DISCUSSION ON ADDRESSING
VULNERABILITY OF MIGRANTS TO RACISM,
XENOPHOBIA AND DISCRIMINATION**

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Excellencies,
Distinguished delegates,
Ladies and Gentlemen,

Welcome to this panel discussion on the vulnerability of migrants to racism, discrimination and xenophobia.

Allow me, first, to express my appreciation to the Permanent Representative of Mexico Claude Heller, for not only co-sponsoring this event, but also accepting to be on the panel.

I am grateful to the Chair of the Committee on Migrant Workers, Mr. Abdelhamid El Jamri, who is our panel moderator today; and to my colleague Mr. Richard Morgan, Director of Policy and Planning at UNICEF. As you may know, UNICEF took over from the Office of the High Commissioner for Human Rights as chair of the Global Migration Group, an inter-agency body comprising 16 organisations that promotes the application of relevant international norms to issues of migration. I am equally indebted to our panellists, who have come from different corners of the world to share their experiences and perspectives.

Migration is one of the priority areas for the Office of the High Commissioner for Human Rights. Our work on migration focuses, inter alia, on the impact xenophobia, racism, exclusion and intolerance on migrants; on their economic, social and cultural rights; on the criminalization of irregular migration; and on detention of migrants. On a personal note, I would like to refer to my experience as a member of ERCI (European Commission against Racism and Intolerance)

Today, about 214 million people live outside their country of origin. More people are on the move now than at any other time in human history. Around 50 percent of migrants are women. For many of those seeking better opportunities and a decent livelihood in foreign countries, migration is a positive and empowering experience.

However, migrants often face discrimination, exclusion, exploitation and abuse at all stages of the migration process. They are frequently denied even the most basic labour 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.

Migrants who are in an irregular situation are often the most vulnerable to such abuse, afraid or unable to seek protection and redress from the authorities.

Migrants' vulnerability is also compounded by the fact that they live beyond the reach of the legal protection of their country of origin. They are frequently unfamiliar with the language and laws of the host country, and may lack social networks on which to rely.

Today, one of the main obstacles to migrants' integration and equal access to human rights in host societies is persistent anti-migrant sentiments and discriminatory practices. Whether by the media or by political parties during election campaigns, the picture that is painted of migrants is often negative. Such sentiments and practices can be reinforced by legislation, official regulations and policies which criminalise or discriminate against migrants.

Addressing negative perceptions of migrants within host communities and protecting them from discrimination is therefore a key element of promoting their integration and enhancing their contribution to development.

Periods of crisis, whether real or perceived, are often marked by an increase in xenophobia, hate crimes and hate speech against foreigners. Migrants are often made into scapegoats by the public looking for someone to blame for their hardship. During the global economic downturn, for instance, violence against migrants escalated in many regions, while employers laid off migrant workers rather than native-born workers. In times of crisis, be it the financial crisis, food crisis, or the fear created following acts of terrorism or the effects of climate change, migrants are often portrayed as the problem. Yet, through their labour, entrepreneurship and dynamism, migrants are often part of the solution.

Migrants in an irregular situation are particularly vulnerable to discrimination and human rights violations. Many will refrain from utilizing public services, such as emergency health care or primary education, even when they are legally entitled, out of fear of detention and deportation.

De facto discrimination against migrants in relation to key economic, social and cultural rights can happen when countries impose a duty on public officials, such as health professionals and local police officers, or even private individuals such as landlords, to report the presence of irregular migrants to immigration authorities. In such cases, even if the human rights of migrants are protected by the law, migrants in an irregular situation may not enjoy these rights in practice.

To counter these challenges, States must put in place legislation and policies that better protect migrants. Such action should be guided by a human rights approach which places the individual migrant at the centre of migration policies, and ensures protection, participation and access to remedies.

Various international instruments, and in particular, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, address the issue of discrimination and provide guidance on human rights safeguards. Special Procedures, treaty bodies and the Universal Periodic Review mechanism have also

addressed these issues. To date, 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.

The access of migrants to economic, social and cultural rights as well as civil and political rights is not a matter of charity. Migrants are entitled to have their human rights respected, protected and fulfilled wherever they are, and regardless of their legal status.

Such protection is an indispensable precondition for their social inclusion and integration, which in turn enables migrants to lead economically productive and culturally and socially enriching lives. Ultimately, the successful participation of migrants in the life of the host country benefits society as a whole.

We must work together to combat xenophobia, racism and 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. Let us 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”.

Today’s panel will contribute to awareness of the vulnerability of migrants to racism, xenophobia and discrimination; the dangers of such practices to society; and the need to combat human rights violations and the perceptions that foster anti-migrant sentiments.

I wish you a fruitful discussion.
