

Interactive dialogue on the Human Rights of Migrants

Mr President,
Excellencies,
Distinguished Colleagues,

I am grateful for the opportunity to share with you my growing alarm at the international community's failure to protect the rights of migrants. As I have repeatedly highlighted at this Council, conflict, persecution, bad governance and severe violations of civil, political, economic, social and cultural rights force millions of people to leave their countries and seek safety and opportunity elsewhere. Too often, they are met with more exploitation, discrimination and violence, coupled with harshly enforced refusals to permit entry.

Whether or not they have visas, these are people, with the same human rights as all of us here today. They have faces: young and old, women and men, and children – accompanied or, in many cases, separated from their parents. They flee atrocities; biting poverty; places with no access to even basic services, and where the rule of law is broken. I am shocked and shamed by the frequent demonization of migrants that we see in many countries whose people benefit from prosperity, peace and ease. I call on all of you to take a stand against this very dangerous trend.

Mr President,

When people are unable to use regular channels to escape oppression, violence and economic despair, they may attempt, in desperation, to find irregular ones. This does not make them criminals. It does not withdraw their right to be treated with dignity. On the contrary, their vulnerability cries out for humanity – an approach that is motivated by respect for their plight, and for their fundamental rights as human beings.

I also oppose in the strongest possible terms the notion that migrants are a burden. On the contrary, as workers, consumers and taxpayers, they contribute to the economic growth of all societies, as many studies have demonstrated. Many years

ago, UNHCR distributed a poster showing Albert Einstein's face, and above it, this text: "A bundle of belongings isn't the only thing a refugee brings to his new country." I would like all of us to reflect for a moment on the courage, the endurance, the adaptability and the grit that refugees and migrants deploy. Migration is an essential component of the economic and social life of every modern State, and it has shaped the history of virtually every member of the human family. Few in this room can claim that they, or their ancestors, have not benefited from migration.

And yet throughout the world, many vulnerable migrants must live and work in intensely precarious situations, and are too afraid of the authorities to complain. Often they are denied fundamental rights, including workers' rights, and are the targets of discrimination and abuse. All of us are aware of the lethal crises regarding rescue at sea in Europe and South-East Asia. Our concerns must extend also to those attempting to enter Australia and the United States, and to the abuses of migrants that are so frequent throughout the world – including many countries of the Gulf Cooperation Council – as well as shocking recent violence in South Africa.

Mr President,

The death-toll of migrants in the *Mediterranean* is a cause for profound alarm. It demonstrates conclusively that militarised deterrence and enforcement policies will fail. If no other option is available, then – just as many Europeans have done, in similar circumstances, in the past – people will brave terrible peril to seek safety for themselves and their children. Driven to take ever more dangerous routes, they may fall into the hands of trafficking networks – with high risk of violence, kidnapping and extortion, and other severe human rights violations.

I commend the EU's recent determination to tackle migration in a more comprehensive manner, and the newly intensified search and rescue effort in the Mediterranean. But I would welcome far bolder steps to integrate the notion that the EU needs, and should welcome, more migration at all skill-levels. As the Special Rapporteur on the Human Rights of Migrants has noted – and we will hear from François Crépeau shortly – it is well within the EU's means to give refuge, over a number of years, to one million refugees displaced by the conflicts in Syria and

elsewhere. This would represent barely 0.2% of the EU's population – compared to Lebanon, which has taken in 26% of its population in refugees. The resources currently deployed for ineffective border control systems could instead be invested in maximizing the benefit of regular migration channels.

States are at liberty to open their borders to migrant labour, or to close them. But when they are unwilling to ratify the *International Convention on the Protection of the Rights of Migrant Workers*, this may encourage employers to exploit them, especially when they are undocumented. I urge full implementation by all EU States of the rights, including labour rights and human rights, of all migrants and migrant workers.

I also urge leaders to step up to counter the growing bigotry about migrants, which is often suffused with racism and religious hatred and stirred up for political gain. There is a continent haunted by the spectre of the world's most intricately organized, terrifyingly efficient, genocide. Every European leader – indeed, every European – knows that racial and religious prejudice is combustible: it can, and will if not treated properly, burst into firestorms of violence.

Mr President,

There are inescapable similarities between the crises in the Mediterranean and in the seas off *South-East Asia*. For many years, people have been fleeing persecution in *Myanmar* and poverty in *Bangladesh*, notably via trafficking and smuggling rings. This exodus became far more visible last month, when a crackdown on illegal trafficking in Thailand led captains and crew to abandon ships that were filled with passengers. A number of boats were pushed back as they reached the shores of neighbouring countries, and hundreds of people have died at sea. In addition, mass graves were discovered last month in Thailand and Malaysia, containing the bodies of presumed victims of human trafficking and smuggling gangs. Most of these victims are said to have been Rohingya from Myanmar.

In recent years Myanmar has undertaken important and potentially transformative reforms, accelerating economic development and relaxing restrictions

on civil and political rights. But these advances have not been matched with progress regarding the acute and institutionalised discrimination against the Rohingya, or the broader deficit of development in Rakhine State which affects all communities.

Most of the 1.3 million Rohingya are deprived of citizenship. Within Rakhine State, their movement is sharply restricted, with immediate impact on their ability to access services, farmland and employment of almost any kind. My Office has also documented persistent allegations of summary executions, enforced disappearances, arbitrary arrests, torture and sexual violence of Rohingya people by security officials.

This pattern of persecution must be considered a driver of the Rohingya exodus. I also fear that it could attract the interest of extremists, as witnessed in recent statements by the Afghan and Pakistan Taliban, with potentially disastrous consequences.

Mr. President,

Australia's response to migrant arrivals has set a poor benchmark for its regional neighbours. The authorities have also engaged in turn-arounds and push-backs of boats in international waters. Asylum-seekers are incarcerated in centres in Papua New Guinea and Nauru, where they face conditions that the Special Rapporteur on Torture has reported as amounting to cruel, inhuman or degrading treatment as defined by CAT. They also violate the Convention on the Rights of the Child, as the Australian Human Rights Commission has justifiably declared. Even recognized refugees in urgent need of protection are not permitted to enter Australia, which has set up relocation arrangements with countries that may be ill-prepared to offer them any durable solution.

Such policies should not be considered a model by any country. Given that most of today's Australians themselves descend from migrants – and given that the country maintains sizeable regular programs for migration and resettlement – I am bewildered by the hostility and contempt for these women, men and children that is so widespread among the country's politicians.

Mr President,

Last year, US President Barack Obama called the situation of unaccompanied children crossing the border between the *United States and Mexico* a "humanitarian crisis", as their number increased sharply and conditions worsened. Most of them were fleeing uncontrolled violence by criminal gangs in *El Salvador, Guatemala, and Honduras*, as well as deprivation, social exclusion and discrimination.

So far this year, their number has approximately halved. One factor in this decline has been the increasing militarisation of Mexico's southern borders. But this has not been accompanied by improvements in the countries of origin regarding the conditions which push them to migrate. Resolution of this situation needs focused attention to the *why* of migration, not just the *how*. Where there is accountability, rule of law, inclusion, respect for people's rights to fundamental services, the opportunity for self-expression and economic improvement, people do not risk their lives, or risk the lives of their children, in seeking to flee.

I also note that the United States maintains the largest immigration detention infrastructure in the world, at a cost of some \$2 billion per year. Migrants in detention often suffer inadequate conditions, including lack of health care, violence and overcrowding. Alternatives to detention are urgently needed. In particular, the detention of children based on their migrant status constitutes a violation of the rights of the child; it is never in the best interest of a child to be detained.

Mr President,

The countries of the *Gulf Cooperation Council* benefit massively from the contributions of migrant workers. Yet we observe pervasive violations of their rights in several countries, including physical abuse; inadequate and arbitrarily withheld wages; inhuman working hours and working conditions; confiscation of passports; and unsafe housing. There is frequently no effective mechanism where abused migrants can seek redress. Their death toll is so high that in Nepal, a source of many

migrant workers in GCC countries, it has been proposed that an annex be erected at the Katmandu airport to shelter returning coffins.

I must firmly remind the authorities of the GCC, and employers active in their countries, that they are required under international law to comply with human rights and labour rights standards for migrant workers. Failure to do so is shocking, particularly in countries that rely so extensively on their help. The *Kafala* sponsorship system, which enables multiple abuses of migrants' human rights and labour rights, should be repealed as a matter of urgency, and private recruitment agencies should be properly regulated.

Mr President,

I am deeply concerned about recent violence in *South Africa*, in which seven people were killed, hundreds injured and thousands displaced. Xenophobic attacks, including hate speech that incites violence and intolerance, merit public condemnation and prosecution. I trust the authorities will take strong action to avoid repeated incidents of this kind, and that they will uphold the rights of all people in their country.

I am also concerned about plans to expel large numbers of undocumented Haitians from the *Dominican Republic*. I urge the Dominican authorities to ensure that the human rights of all migrants are fully respected, and that due process is followed, in compliance with human rights obligations. Individuals with a legitimate claim to remain in the Dominican Republic should be protected from deportation.

Mr. President,

The only effective approach to migration must be grounded in the human rights of the people concerned, focusing on root causes – including in countries of origin and transit – and long-term solutions. With so many countries locked in internal conflict, from Syria and Iraq to Yemen, Somalia, Libya and Mali, the task of re-establishing peace, justice and the rule of law is increasingly urgent. I have made

numerous appeals for States to use their global influence to pull back from this intensely worrying series of crises.

But conflict is not the only driver of migration. Numerous *Eritreans* are fleeing their country, with data from last year suggesting more than 5,000 people leave every month. They constitute the second largest number of refugees at the EU's external borders, including large numbers of unaccompanied minors who have survived a very hazardous journey. The international community must recognise their plight and provide them protection, and I encourage your attention to the causes of their flight.

I also encourage this Council to consider convening Special Sessions on migration issues in the future, as the need arises.

It is, moreover, vital that States address, both singly and together, the economic despair that drives so many to risk death to escape the prison of their poverty. The Sustainable Development Goals constitute a life-saving agenda to drive stronger development. They must be funded – and implemented – in good faith by all Governments. Full implementation of recommendations by human rights mechanisms, including the UPR, would also ensure less biting inequality and more respect for human rights. Fundamentally, this task is in your hands.

I thank you.