

CHECK AGAINST DELIVERY



Statement for the Enhanced Interactive Dialogue
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migrants

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**Enhanced Interactive Dialogue on the Human
Rights of Migrants**

**Special Rapporteur on the human rights of
migrants**

Mr. President,

Distinguished delegates,

Representatives of the UN and NGO community

I thank you for the opportunity to be here today.

We can sit here and talk about numbers all day. Numbers, statistics and figures have never been able to represent who anyone really is. If I say that we are 750 in this room, what have I said about why each of our lives is individually precious, thanks to the history, the family connections, the hopes and disappointments, the education and experiences we all harbour in ourselves?

My point is that the more we talk about numbers, the more we dehumanise the individual. Migrants are not just numbers or commodities to be bartered, haggled over or traded. They are human beings with rights, just like you and I: each one of their lives is as precious as yours or mine.

Migrants often have very few options, if any, and must migrate in order to survive. Survival migrants are not looking for handouts. They don't believe that they are doing anything wrong: they believe, and rightly so, that they're taking flight only to find protection against violence or a job to support their family. The people we have often mentioned on the boats include parents risking the journey with their babies or children, women with their unborn child, and unaccompanied children.

Who can say that such survival strategies are wrong? We would do the same if we were in their shoes and had their courage. We don't have the moral high ground on this issue. Migrants are mostly courageous people, who have endured a lot, are resilient, and want to do the right thing for themselves and their family.

Repressive policies fail to deter irregular migration because hope is always stronger, because, despite what happened to others, or even to themselves in a previous attempt, they believe that next time will be the right time, and that they'll "make it". Survival migration is always a dignity-seeking journey, often a labour of love.

The children and grand-children of survivors of the several genocides of the past century are very proud of the courageous decisions their forebears have taken in order to survive and create a dignified future for their descendants: these decisions included migrating irregularly, using false identities, traveling on forged documents. I repeat: we do not have the moral high ground.

Sealing borders does not work. Mobility is an inescapable consequence of globalisation and migrants will come anyway, whether because of push factors such as violence, natural disasters, extreme poverty, war, conflict or persecution, or pull factors such as our underground labour markets in which migrants are often willing to do the "dirty, difficult and dangerous" jobs that nationals will not, at the exploitative conditions that unscrupulous employers will offer, including in the construction, agriculture, hospitality and care-giving sectors.

Paradoxically, in the name of securing borders, many States have actually lost control over this portion of their border, as flexible smuggling rings will always be ahead of the game. With time, continued repression of irregular migration is counterproductive: it successfully manages to drive migrants further underground, thereby entrenching smuggling rings and increasing the suffering of migrants.

Bringing unscrupulous smugglers to trial for the suffering they inflict on migrants should remain a priority. But States will not defeat resourceful and adaptable smuggling rings unless they destroy their business model, which was created when barriers were erected and which thrives at evading repressive migration policies.

We must heed the lesson of the Prohibition era in the United States of America where the mafias created by the prohibition policies were only defeated when the sale of alcohol was legalised, regulated and taxed. This is a lesson that we are also progressively implementing in the deadly "war on drugs": several jurisdictions have started to legalise, regulate and tax, instead of sinking huge resources on repressive policies which only entrench the cartels.

States need to reclaim the mobility market by offering better mobility options than what the smugglers are offering. During the 50s and 60s, millions of Africans and Turks crossed the Mediterranean to find jobs in Europe. No one died and there was no smuggling. There were border controls everywhere, but the general framework was one of facilitated mobility solutions such as easily accessible visas and cheap ferry tickets.

So, if we are to witness a significant reduction of human suffering at our borders, we must bank, not on strict closure and repression, but on regulated openness and mobility for asylum seekers and migrants at all skills levels. Instead of forcing people into mechanisms that don't respond to their needs, we must understand the logic of their decisions and adapt our policies to make them respond to their needs and the real needs of our labour markets. If we offer mobility options that actually meet the needs of the migrants and of the labour markets, we'll take away the mobility market from the hands of the smugglers.

This doesn't negate the power of the State to expel migrants who have no right to stay, it only means that States should adapt their policies to the facts and recognise that it is much better to create systems that incentivise people to abide by the rules, rather than systems that drive people to evade the rule.

This is why, in the report I'm presenting later tonight, I'm proposing to the European Union to choose mobility over closure in its migration policy framework. This will not be done in one go, as several conditions need to be aligned. For refugees such as the

Syrians and Eritreans, Europe should take the leadership of a resettlement policy similar to that which benefited the Indochinese three decades ago. For asylum seekers, Europe needs to let them go where they think they have the best chances to find protection and integrate: the harmonisation of refugee determination procedures is a key factor here. For low-skilled migrants, Europe needs to create smart visa options for people to come and look for work and be incentivised to respect the conditions of the visa: a crucial precondition here is the reduction of underground labour markets which act as a major pull factor.

Mobility will provide a better adjustment of skills and needs than what any government programme could do.

In conclusion, as long as we fail to establish a better system based on the protection of refugees, on the facilitated but controlled mobility of all migrants (i.e. legalized, regulated and taxed), and on the repression of their exploitation, we will not rid ourselves from smuggling rings and unscrupulous employers. Sealing borders is not an adequate answer to a normal human phenomenon: it is neither an effective deterrence, nor cost-effective, nor human rights based.

Only through smart, regular and safe mobility options can we incentivise migrants to avoid smuggling rings, reclaim the mobility market from the smugglers, and empower migrants to fight for their labour rights and human rights at all levels.

