

GFMD-CMW Side Event on Migrants

19 May 2016

ILO Building, Salle XI, R2 Level

Statement by

**Mr. Jose Brillantes, Chair of the Committee on the Protection of the Rights
of All Migrant Workers and Members of Their Families**

**Ambassador Shahidul Haque, Foreign Secretary,
Ambassador Shameen Ahsan, Permanent Representative of Bangladesh in
Geneva,
Excellencies,
Distinguished Panelists,
Ladies and Gentlemen**

A very good afternoon to you all and welcome. As the Chair of the Committee for the Protection of the Rights of All Migrant Workers and Members of Their Families, I would like to thank the Permanent Mission of Bangladesh, and in particular, Ambassador Shahidul Haque, Foreign Secretary of Bangladesh and long-time member of the CMW Committee, for co-organizing this side event with the Committee, as well as the ILO for hosting this event. Your continued support is very much appreciated by the Committee.

International migration is a complex phenomenon dealing with overlapping issues relating to the human rights of migrants, mixed migration flows, international protection, smuggling and trafficking, as well as other push and pull factors affecting migration, which calls for a comprehensive approach placing the human rights of migrants at the forefront.

Migration is among the defining human rights issues of our time. There are more than 244 million migrants throughout the world of which half are women, and an estimated 20 percent are in an irregular situation. Of the 244 million migrants, approximately 30 million are children, the majority of whom reside in least developed and developing countries.

Migration is a daily reality and we should accept that fact. We should also ensure that migrants and their families fully enjoy their human rights during their journeys, in schools and in workplaces across the globe. The rights of migrant workers are frequently violated. They work in harmful and dangerous conditions, with high incidences of injury, death and sickness, receive wages that are under the minimum baseline, and are subjected to fraudulent practices, excessive working hours and even illegal confinement by their employers, as well as sexual harassment, threats and intimidation.

These abuses of migrants are intensified when their immigration status is irregular. Not only are they often denied the most basic labour protections, personal security, due process guarantees, health care and, in the case of their children, education; they may also face abuses at international borders, and in some cases they risk being trafficked, enslaved, sexually assaulted or even killed.

Excellencies Ladies and Gentlemen

New evidence suggests that the world is on the eve of far greater international mobility largely due to work force decline and population ageing coupled with low birth rates in many industrialized countries. Migrants will be even more essential to address labour market needs and the sustainability of development in these countries. But as we all know, migrants move for a number of reasons, responding to both push and pull factors. Many are forced to move, including children, and the number of children on the move is increasing. Migration is often a survival strategy to cope with extreme poverty. Sending a child across borders to work may ensure the survival of the whole family. Migration, however, is not only due to economic factors. Migration is also due to poverty and lack of human development; gender inequalities; discrimination; abuse and neglect; conflict and violence, including gang violence; political instability; socio-ethnic tensions; bad governance; food insecurity; environmental degradation and climate change. As underscored by the Office of the High Commissioner for Human Rights, human rights abuses play a crucial role in decisions to migrate of both adults and children.

Family reunification is also one of the main causes of the increasing number of both regular and irregular international child migrants, including unaccompanied and separated migrant children. Whether the focus is on lack of

opportunities, conflict or human rights violations, it is a reality that both adults and children migrate out of necessity.

Whatever the reason, the situation of all children in the context of international migration is of major concern, given their greater vulnerability to human rights violations. For some children, the difficulties begin with perilous border crossings and rough seas, including being at the mercy of often unscrupulous smuggling networks. Some tragically never arrive at their destinations. Children represented more than 30% of all recorded deaths in the Eastern Mediterranean Sea in 2015. All children are at risk of being exposed to sickness, injury, violence, abuse and neglect, and exploitation. These risks are multiplied in cases of children on the move, and in particular unaccompanied children.

Small children and babies are at increased risk of becoming seriously ill with pneumonia and hypothermia, and of drowning at sea. Children with disabilities and special needs often have no access to specialized services during their journeys. Children who have been separated from their families or are unaccompanied are especially vulnerable to all forms of abuse, trafficking, recruitment by criminal gangs and violence, including sexual abuse and exploitation.

Reports indicate that more than 10,000 children may be missing after arriving in Europe over the past two years, and it is feared that many have fallen

prey to a thriving market for child trafficking - forced into sex work, slavery and other illegal activity.

Nelson Mandela once said that "[t]here can be no keener revelation of a society's soul than the way in which it treats its children." Migrant children are, first and foremost, children, and the international community is failing them! The Committee jointly with the Committee on the Rights of the Child is developing a general comment on children in situations of children in international migration to provide guidance to States on how to strengthen protection of this very vulnerable population in the context of international migration.

**Excellencies,
Ladies and Gentlemen**

Kindly allow me to backtrack a little. I recall the birthing pains that accompanied the issue of human rights of migrants in the Global Forum on Migration and Development (GFMG). During the hosting of the second meeting of the GFMD in 2008, no less than Secretary-General Ban Ki Moon raised caution about the choice of the theme “Protecting and Empowering Migrants for Development.” At that time, the issue of migrants’ human rights protection and empowerment was deemed very controversial, if not divisive.

But as a major sending country, it was not possible for the Philippines to host a major forum for migration and development without putting the rights of migrant workers at the centre of the debate.

It is heartening to see how far we have come since. The road travelled by GFMD, from Greece to Mexico, Switzerland, Mauritius, Sweden and Turkey bears witness to the collective achievement of participating States in the global forum, as well as relevant stakeholders, notably international organizations, civil society and even the private sector. The focus on human rights has never become more intense and pressing as today. Thanks in large part to the GFMD and the efforts of the Global Migration Group in which the OHCHR is a proud member, the human rights approach has become the norm in bilateral, regional and global discourses and cooperation.

We are now bridging the gap from common understanding to common action. From normative to pragmatic; and indeed the global community has reached consensus of understanding that migrants' rights are as sacrosanct as those of other individuals. Migrants have the same dreams and aspirations for a life of worth and dignity for themselves and their families.

The GFMD 2016 roundtables speak directly of the challenges that increasingly impact migrants: reducing the cost of migration; migration and harmonious societies; protection of migrants in all situations; migrants in situations of crisis; and governance of migration. How can the GFMD and CMW work closer in trying to respond to these questions? This side event presents an opportunity to examine the realities on the ground. The CMW is optimistic that this year under the chairmanship of Bangladesh the GFMD will

be able to strengthen our consensus around human rights of migrants, and our partnership in ensuring that these rights are respected and upheld.

Excellencies

Ladies and Gentlemen

The current migration crisis across the globe, from the seas around South East Asia and Australia to the Mediterranean and the deserts of the United States and Mexico, highlight the fundamental importance of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as a robust and agreed legal framework for the rights of all migrant workers and their families in countries of origin, transit and destination.

The Convention sets out the best strategy to prevent abuses and address challenges that migrant workers face. It also provides guidance on the elaboration of national migration policies for international co-operation based on respect for human rights and the rule of law. Increasingly, labour migration and mobility is being addressed at the international, regional and sub-regional levels, and the Convention can also provide important guidance in this respect. In addition to setting minimum obligations for the protection of migrant workers and members of their families, the Convention is a helpful tool for governance of migration. The Convention explicitly provides a framework for human-rights based policy-making on migration, including irregular migration.

After a quarter-century, the Convention is now more relevant than ever. And yet there have been a very low number of ratifications to this vital text – 48,

the lowest of all human rights treaties. No major destination country has ratified the Convention.

Gaining new ratifications remains a priority. While States have legitimate interests in securing their borders and exercising immigration controls, such concerns cannot override the obligations of States to respect the internationally guaranteed human rights of all persons. The Migrant Workers Convention does not lay down new categories of human rights. It sets out in greater detail how international human rights are to be applied to migrant workers and their families – but migrants and their families are also protected to varying degrees by all other core human rights treaties, meaning that all States have accepted international human rights standards relating to migrants.

Today's dramatic migration crisis underscores the urgent need to begin a more honest discussion about the obstacles to ratification of the Convention. Migration should be a positive and empowering experience for individuals and their societies – one that contributes to economic progress and human development both at home and in destination countries.

A clear vision of the need for migrant labour in destination countries, with more channels for regular migration, as well as for family reunification, would assist greatly in preventing the exploitation and other dangers faced by so many people seeking to live a life in dignity. More work also needs to be done to address the root causes of desperate attempts to flee. Migration should be a choice. The factors which push people to risk their lives in search of safety and

decent work must be addressed and long-term durable solutions must be found. It is hoped that States efforts to implement the post-2015 sustainable development agenda – which pays specific attention to migrants – will address some of the root causes of forced migration and strengthen protection to migrants in line with international human rights norms and labour standards.

Finally, the Secretary-General recently stated that “[o]nly by upholding our duty to protect those fleeing persecution and violence, and by embracing the opportunities that refugees and migrants offer to their new societies, will we be able to achieve a more prosperous and fairer future for all.” The Committee sincerely hopes that this message will ring clear in the upcoming United Nations led discussions on migration as well as in the GFMD. Political leadership and commitment is needed now more than ever to ensure that migration policies put the human rights of migrants, as human beings, at the forefront.

Thank you.