

Check against delivery

Twenty-Fifth Session of the Committee on the Protection of the Rights of All Migrant  
Workers and Members of Their Families



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Palais Wilsons, First Floor Conference Room

*Honourable Chair,*

*Distinguished members of the Committee,*

*Ladies and gentlemen,*

I would like to welcome you on behalf of the High Commissioner for Human Rights, Mr Zeid Ra'ad al Hussein, to the twenty-fifth session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families which I have the pleasure to open.

This morning I would like to bring to the Committee's attention some developments in four main areas: the 2030 Agenda for Sustainable Development; the Human Rights Council and other mechanisms; migration related activities of the Secretary-General and the General Assembly; and finally treaty-body strengthening.

#### 2030 Agenda for Sustainable Development

*Distinguished members of the Committee,*

The Chairs of the treaty bodies provided substantive inputs to the 2016 High-Level Political Forum showcasing the contributions of the treaty bodies to the 2030 Agenda and Sustainable Development Goals and Targets. The information highlights the important role of the treaty bodies in ensuring that no one is left behind through monitoring implementation of the respective Conventions and through identifying gaps, areas requiring urgent attention, risks and challenges, and the impact

of austerity measures, humanitarian crises and natural disasters, and other emerging issues, on the realization of the SDGs. All submissions are posted online at the United Nations Sustainable Development Knowledge Platform at [sustainabledevelopment.un.org](https://sustainabledevelopment.un.org).

### **Mechanisms:**

I now turn to some relevant developments in the Human Rights Council since your last session. The High Commissioner, in his global update to the 32<sup>nd</sup> session of the Human Rights Council on 13 June 2016, lamented that hate is becoming mainstreamed and walls – which tormented previous generations, and have never yielded any sustainable solution to any problem – are returning. There is only one way to ensure a good and sustainable future: ensure respect, resolve disputes, construct institutions that are sound and fair, and share resources and opportunities equitably. The High Commissioner paid tribute to those States that have welcomed large numbers of desperate migrants and refugees, providing them with assistance, access to education, and protected many vital human rights. He however also criticized many other countries that have not done their part to address this migration crisis and called upon Europe to deal with the crisis in a manner that respects the rights of the people concerned. The High Commissioner also stressed that the only sustainable way to resolve today's movements of people is to improve human rights in countries of origin, as well as to create a well-functioning migration governance system with fair and effective determination of individual protection needs.

The High Commissioner also referred to field visits along the Central Mediterranean and Balkan migration routes, where OHCHR staff observed a worrying increase in detention of migrants in Europe, including in “hotspots” in Greece and Italy. He addressed the plight of unaccompanied minors in detention stating that detention is never in the best interests of a child – which must take primacy over immigration objectives and that non-custodial, community-based and child-friendly alternatives to detention of children must be developed.

The High Commissioner deplored the wide-spread anti-migrant rhetoric fostering a climate of xenophobia, but also paid tribute to a number of cities in Europe that have responded commendably to the needs of vulnerable newcomers. He emphasized the need for States and civil society partners to push for real delivery on the promises of the 2030 Agenda at next month’s High Level Political Forum.

In a panel discussion on the right to development on 15 June 2016, commemorating the 30<sup>th</sup> anniversary of the Declaration on the Right to Development, the High Commissioner highlighted that the declaration’s central focus was on the human person and it demanded equal opportunities and equitable distribution of economic resources, including for traditionally marginalized and disempowered groups, including migrants. The High Commissioner stated that true development generates greater social justice and reduces the towering inequalities which confiscate the fundamental rights of the marginalized and poor. He concluded that the 2030 Agenda for Sustainable Development promotes an integrated vision of development with responsibilities for both the global North and South for the greater empowerment of all members of society to claim all of their human rights.

With respect to the High Level Meeting on addressing large movements of refugees and migrants to be held in New York on 19 September, OHCHR is calling for three key points to be taken into consideration: First, the primacy of human rights. Second, because of the very nature of these large movements they must be approached first and foremost through a human rights protection lens. Everyone in these desperate movements is in need of some form of protection, in particular migrants in vulnerable situations. Third, there is an urgent need for comprehensive, human rights-based migration and asylum governance measures. Noting the significant gaps in the understanding of the standards of protection to which migrants moving in large numbers are entitled, OHCHR is developing a set of principles and practical guidance based on existing laws and standards on the protection of human rights in large and/or mixed movements, with particular emphasis on migrants in vulnerable situations who will not benefit from refugee protection.

Terre des Hommes co-organized a side event to the Human Rights Council with a number of stakeholders, including OHCHR, on 15 June 2016 on guiding actions concerning children on the move and other children affected by migration. The event provided an opportunity to present principles which were elaborated to improve the quality of protection afforded to children on the move and other children affected by migration and to enhance programming, accountability, advocacy and communication.

OHCHR and UN Women organized a side event to the 64<sup>th</sup> Session of CEDAW on 21 July 2016, hosted jointly by the CEDAW and CMW Committees. It focused on promoting and protecting women migrant workers' labour and human

rights with the panellists highlighting the distinct needs of women migrant workers, and the importance of addressing such rights through the treaty body reporting process.

On 14 June 2016, the Special Rapporteur on the human rights of migrants, Mr. Francois Crepeau, presented his thematic report to the Human Rights Council on bilateral and multilateral regional trade agreements and their impact on the human rights of migrants (A/HRC/32/40). In the report, Mr. Crepeau highlights that facilitated and well-regulated mobility, which is supported by comprehensive and robust institutional frameworks, is necessary to ensure inclusivity and equity in the enjoyment of the benefits of trade for all migrants. Mr. Crepeau, in his report, seeks to offer States practical guidance as well as engage international organizations, the private sector, trade unions and other civil society actors in the full realization of migrant's rights.

Regarding his report to the General Assembly, the Special Rapporteur will focus on addressing large movements of migrants and will propose ways in which the global compact on migration can be developed to better protect the human rights of migrants, including by developing a human rights framework for safe, regular and orderly migration; building on existing bilateral, regional and global mechanisms; developing more opportunities for regular migration; ensuring ethical recruitment practices, facilitating the flow of remittances; combatting exploitative practices; and ensuring that the rights of migrants are upheld.

The Human Rights Council Advisory Committee prepared a progress report on the global issue of unaccompanied migrant children and adolescents and human rights

(A/HRC/AC/16/CRP.3) pursuant to resolution A/HRC/29/12 of the Council. It provides information about global issue of unaccompanied migrant children and adolescents and human rights, recognizing best practices and making recommendations for the protection of the human rights of unaccompanied migrant children.

**Secretary-General/General Assembly:**

*Ladies and Gentlemen,*

The Secretary-General's report *In Safety and Dignity: Addressing Large Movements of Refugees and Migrants* focuses on three pillars. It calls for a new comprehensive framework and makes recommendations to address issues of common concern, including the causes of such movements; protecting those who are compelled to undertake such journeys; and preventing discrimination and xenophobia.

With respect to the High Level Meeting on Large Movements of Refugees and Migrants, the co-facilitators issued the zero draft of the outcome document. The zero draft seeks to set out a new global consensus on addressing large movements of refugees and migrants and calls for ensuring that all provisions of the 2030 Agenda for Sustainable Development that bear on refugees and migrants are fully implemented. The zero draft recalls the emphasis in the 2030 Agenda on the positive contribution made by migrants to inclusive growth and sustainable development; calls for ensuring that migration is mainstreamed in global, regional and national sustainable development and humanitarian policies and programmes; notes the need

to develop guidelines on the treatment of vulnerable migrants who have not qualified for refugee status and who may need protection and assistance; and calls for more opportunities for safe, orderly and regular migration.

Intense negotiations by Member States of the draft outcome document took place in New York just prior to this session. Strong advocacy by civil society played a key role in preventing backtracking on important human rights issues, including detention of child migrants. Many human rights advocates share concerns that the outcome document lacks the necessary vision and falls short of creating a new framework for the protection of migrants and refugees. It does, however, include a number of principled commitments, including to fully protect the human rights of all refugees and migrants, regardless of their status, and to devise responses to large movements of refugees and migrants that will demonstrate full respect for international human rights law and other standards. It also calls on all States to ratify the Convention on Migrant Workers. The adoption of the declaration on 19 September 2016 should be seen as the beginning of a process which includes the negotiations of the global compacts which are to be adopted in 2018 and follow-up during the 2019 High Level Dialogue.

### **Treaty Body Strengthening**

The 28<sup>th</sup> annual meeting of the Chairs, in which your Chair, Mr. Jose Brillantes participated, was held in New York from 30 May to 3 June. I understand that the Chair will brief you on the meeting of the Chairs during your meeting.



I'd like to inform you that the Secretary-General's report as called for under General Assembly resolution 68/268 regarding treaty body strengthening will soon be released and posted on the treaty body strengthening webpage.

Due to the absence of time I will very quickly highlight key, non-exhaustive, activities the Office organised relevant to your work:

- In May, OHCHR organized a GFMD-GMG side event on migrants in conjunction with the Permanent Mission of Bangladesh at the GFMG Friends of the Forum Meeting at ILO. The discussion focused on the impact of the existing international normative framework; promotion and protection of the human rights of migrants, including women and children; challenges and best practices in the context of international migration.
- On 1 June, a multi-stakeholder meeting was convened to consult on a set of principles and practical guidance on the human rights protection of migrants in vulnerable situations. This was an important opportunity to engage in a strategic discussion on how to ensure that the human rights of migrants feature prominently within the agenda of the General Assembly High Level Meeting.
- OHCHR also participated in the Migrants in Countries in Crisis Initiative (MICIC) in both consultations in Geneva and the launch of the Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster on 28 June 2016. The Guidelines provide practical, non-binding, voluntary guidance for States, private sector actors, international organizations, and civil society to protect migrants in countries experiencing conflicts or natural disasters at the preparedness, emergency and post-conflict phases.

- Terres des Hommes and other civil society actors in Geneva also convened a multi-stakeholder consultation on 12 May 2016, on recommended principles to guide actions concerning children on the move and other children affected by migration. I understand that these principles will be reviewed by the Committee at this session for possible endorsement so they can feed into the 19 September New York UNGA High Level Meeting.

Finally, I am very pleased to inform you that this year's Treaty Event, to be held from 19 to 23 September 2016, at United Nations Headquarters, will focus on the theme of human mobility to underline the commitment of the United Nations to the rights of refugees and migrants at this crucial time.

As you know, the capacity of the Secretariat to service the Committee's session is stretched due to an increasing workload and insufficient staffing. As part of the Secretary-General's UN greening policy, the distribution of hard copy documentation has been substantially reduced with respect to all treaty bodies, with the aim to have paper smart sessions by 1 January 2017. At the last session, many members of this Committee opted to receive all documents electronically, for which we are most grateful.

*Ladies and Gentlemen,*

Notwithstanding our resource constraints, OHCHR continues to work to support the Committee and the promotion of the Convention as can be seen from the numerous promotional events organized, which I have already referred to, and through advocacy by the High Commissioner and the human rights mechanisms, as well by liaising extensively with partners and field presences.

I thank you for your attention and wish you a most successful session.

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