

Check against delivery

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



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Palais Wilson, First Floor Conference Room

*Honourable Chair,
Distinguished members of the Committee,
Ladies and Gentlemen,*

On behalf of the United Nations High Commissioner for Human Rights, I have the pleasure to welcome you to the twenty-eighth session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, which I have the honour to open.

I would especially like to welcome and congratulate the new members elected to the Committee at the 8th Meeting of the States parties held in June 2017– Mr. Botero Navarro (Colombia), Mr. Frasheri (Albania) and Mr. Oumaria (Niger), as well as a returning member – Mr. Taghi-Zada (Azerbaijan).

[Universal Declaration of Human Rights and Human Rights Defenders]

As we commemorate the 70th anniversary of the Universal Declaration of Human Rights, the High Commissioner in his address to the last session of the Human Rights Council, pledged to defend this Declaration, with passion. He stated that *“today oppression is fashionable again; the security state is back, and fundamental freedoms are in retreat in every region of the world...”* Indeed, we all are appalled to see in the media how events unfold. Language is being used that we thought was no longer acceptable nor tolerable. Discrimination and xenophobia are on the rise. A rapid growth in extremist movements. This also affects your work, both in terms of dialogues with States, which may become less receptive to criticism, and in terms of impact on your primary constituency, the migrant workers and the members of their families.
Distinguished experts,

This year also marks the 25th anniversary of the Vienna Declaration and Programme of Action, which reaffirms the equal dignity and worth of every person, including migrant workers, and the 20th anniversary of the Declaration on Human Rights Defenders. A safer and more conducive environment for defenders to be able to carry out their work is at its core. The Human Rights Council underscored that *“the active involvement of civil society [...] in processes of government and in promoting good governance [...] is indispensable for building peaceful, prosperous and democratic societies”*. States have an obligation to ensure such active participation. Where State action is absent, the international community has the duty to provide support and protection. This is to ensure the exercise of the fundamental public freedoms of expression, association, peaceful assembly and the right to participate in public affairs. The human rights mechanisms play a key role in this regard. I therefore encourage this Committee to continue recognizing, in its recommendations to States parties, the crucial role of the defenders of the rights of migrants in the implementation of the Convention.

[OHCHR and Human Rights Mechanisms]

Distinguished Members,

Allow me to briefly update you on other recent initiatives at the Human Rights Council, which may be of interest to your work. At its 36th session held in September 2017, the High Commissioner, in his opening statement, reflected on a number of important issues: States’ lack of consistency regarding human rights commitments; reprisals against human rights defenders; the selectivity of the Council when dealing with human rights issues in

some countries while ignoring others; and officials that indulge in attacks against the human rights mechanisms. He encouraged the President of the Council and Member States to develop a stronger and more unified voice in world affairs on behalf of human rights.

The High Commissioner's statement, once again, covered the situation of migrants in a number of countries. He called on the United States to provide former Deferred Action for Childhood Arrivals (DACA) beneficiaries with durable legal status. He also noted with concern the increase in detentions and deportations of immigrants. He raised the human rights situation of migrants in Hungary and in other parts of Europe. Being appalled at the horrific abuses migrants face after being intercepted and returned to Libya, he reminded all governments that no human being may ever, under any circumstance, be deported to a place where he or she faces the likelihood of torture and human rights violations. In his subsequent press release, the High Commissioner voiced his dismay at the suffering of migrants detained in Libya calling the situation catastrophic. He also referred to the Global Compact on Migration and expressed the hope that it will result in migration governance that is better grounded in human rights.

The Human Rights Council considered a compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law. This was presented by the Office in support of developing a human rights-based Global Compact on Migration. The Council also adopted a resolution on unaccompanied migrant children and adolescents. It made reference to the work of this Committee and the Committee on the Rights of the Child on the joint general comments on the human rights of children in the context of international migration. The Council additionally held a number of general debates, interactive dialogues and discussions at which the human rights of migrants were discussed recurrently.¹

*Distinguished Members,
Ladies and Gentlemen,*

OHCHR remains very active on migration issues: raising awareness, building capacity, engaging in standard setting and advocacy. In this regard, I understand that you will be briefed by OHCHR's Migration Advisor in more detail during this session. Allow me to just mention two key activities. As co-chair of the Working Group on Human Rights and Gender Equality, OHCHR continued to lead the development of a set of principles and guidelines on the human rights protection of migrants in vulnerable situations. It also established a joint programme with WHO for the promotion of human rights regarding health and women, adolescents and children. To take this initiative forward, a meeting of treaty body experts will be convened in June to consider strategies for acting on the recommendations contained in the report of the High Level Working Group on the Health and Human Rights of Women, Children and Adolescents.

Several mechanisms of the Human Rights Council² focused their work on issues related to migration. In October 2017, the Special Rapporteur on extrajudicial, summary or arbitrary executions issued a strongly worded critique of the international community's

¹ The debate on racism, racial discrimination, xenophobia and related intolerance; the debate on follow-up to and implementation of the Vienna Declaration and Programme of Action; the dialogue on Libya; the dialogue on arbitrary detention; and the discussion on the impact of multiple and intersecting forms of discrimination on women and girls. In October 2017, the Council held an inter-sessional panel discussion on human rights, climate change, migrants and persons displaced across international borders.

² The Working Group on Enforced Disappearances, the Special Rapporteur on Torture, the Voluntary Fund for Victims of Torture, the Working Group on Arbitrary Detention and the Committee against Torture.

failure to protect the lives of migrants and refugees. The Special Rapporteur on the sale and sexual exploitation of children and the Special Rapporteur on trafficking in persons urged States to protect all migrant children from sale, trafficking and other forms of exploitation following a joint study warning that many children on the move currently suffer sexual and labour exploitation amid ineffective action by countries around the world. Several United Nations experts, including this Committee, issued statements urging Libya to take urgent action to end the country's trade in enslaved African migrants.

The Special Rapporteur on the human rights of migrants and several other special procedures mandate holders issued a joint statement urging States to ensure a human rights-centred approach when developing the Global Compact on Migration in advance of the meeting in Mexico. This Committee's former Chair issued a statement with other United Nations experts for International Migrants' Day. It called on States to recognize migrants as integral members of society and as equal rights holders in line with their legally binding international obligations, including the Convention.

Global Compact on Migration

Distinguished Members,

I now turn to the Global Compact on Migration. As you know, the consultative period came to an end last November, followed by the stocktaking phase in December. Intergovernmental negotiations began in February 2018 and will conclude in July. The Compact will then be presented for adoption at an intergovernmental conference on international migration that will be held in Morocco at the end of this year.

Our Office provided support to the intergovernmental process and continues to support the Office of the Special Representative of the Secretary-General on International Migration. In coordination with the Global Migration Group, the Office played an active role in the consultation phase and also hosted a total of five side events. This provided a space for civil society, human rights defenders and migrants themselves to contribute to the process. The Office participated in a number of the regional consultations as well as the final stocktaking meeting held in Mexico in December 2017. I also understand that the Committee was represented at the sixth thematic session and the stocktaking meeting in Mexico.³

As an input to the zero draft of the Global Compact on Migration, the Secretary-General issued a report entitled "Making migration work for all"⁴ in December 2017. Written submissions were received from numerous stakeholders, including this Committee. The report emphasizes its links to the 2030 Agenda for Sustainable Development. It highlights options for States to help migrants fulfil their economic and social potential; steps to promote regular migration; and policies to meet the legitimate security considerations of States concerning irregular migration.

In February 2018, the High Commissioner issued an open letter to all Permanent Missions in New York and in Geneva on protecting and promoting the human rights of all migrants within the global compact on safe, regular and orderly migration. He urged States to develop a compact that explicitly recognizes and fully conforms to the existing human rights framework as the authoritative protection agenda for all migrants.

[Treaty Body Strengthening]

Distinguished Members,

As you know, we are facing challenging times on many fronts. Operationally and financially, as you were informed through the letters from the High Commissioner and the

³ Travel funds were provided by IOM for Mr. El Jamri to attend.

⁴ A/72/643

Deputy High Commissioner. The General Assembly, during its 72nd session held at the end of 2017, took financial decisions which have serious implications for our Office and the treaty bodies. Amongst these decisions, imposed on us and taken by the Member States of the United Nations, the following have direct negative implications on the resources allocated to the treaty bodies:

- To reduce the resources for travel of experts by 25 per cent;
- To reduce the resources for the travel of staff by 10 per cent; and
- Add a net gain of only two temporary posts instead of the eleven positions requested by the Secretary-General.

As indicated in my recent email to the Chairs of the ten treaty bodies, further to a thorough assessment of the available human resources of the Office, following the General Assembly decision, it was found that some additional meeting time can only be implemented during 2018 with respect to the Human Rights Committee and the Committee on the Rights of Persons with Disabilities to address backlogs in reporting and individual complaints. The Office is currently looking into ways to adjust outputs and workload to ensure the necessary support for core activities. From a practical perspective, non-core activities may not be supported to the extent that they were previously. We will address this situation in the forthcoming second report that the Secretary-General will present to the General Assembly under resolution 68/268. Needless to say that we remain committed to provide all treaty bodies with the highest quality of support, and if the situation were to change in the future – which we sincerely hope and shall work towards – we will review and re-evaluate this situation.

In conclusion, I would like to take this opportunity to acknowledge the hard work of our colleagues and thank them for their commitment and professionalism. I know you value our staff and their contribution. There may be times when passions run high, but I wish to highlight that across the United Nations we have a zero-tolerance policy on abuse and harassment with full promotion and practice of respect and dignity for all.

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