

Check against delivery

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



Statement by
Ms. Kate Gilmore
Deputy High Commissioner for Human Rights

Geneva, 3 September 2018
Palais Wilson, Ground Floor Conference Room

*Distinguished members of the Committee,
Friends and Colleagues,*

It is a pleasure to be here with you for the opening of the twenty-ninth session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. Allow me to convey the greetings of the new High Commissioner for Human Rights, Michelle Bachelet, whose term began on 1 September and who certainly shall place the work of treaty bodies at the core of her mandate. Having previously led UN Women, she is not unknown to the work of these key mechanisms.

I would first like to pay homage to Ms. Khadidia Ladjel who recently passed away. We are all deeply saddened by Ms. Ladjel's death. Her contribution to the work of this Committee and human rights at large is something we shall all hold close to us. Condolences have been sent to her family on behalf of the Committee and our Office. The Permanent Mission of Algeria has been requested to nominate a new Member in her place who we are sure shall carry out the responsibilities of this important position in a manner commensurate with Ms. Ladjel's legacy.

Office Management Plan

*Distinguished members,
Dear Colleagues,*

On 13 June, we launched with Member States our Office Management Plan for 2018 to 2021. The Plan is based on six pillars, which include support for the international human rights mechanisms; mainstreaming of human rights within development and peace and security efforts; and advancement of the core human rights principles of non-discrimination, accountability and participation. Across these pillars, OHCHR will introduce major shifts to strengthen our work to prevent conflict, violence and insecurity, and help expand civil society space. We will also shift our work to frontier issues such as climate change, digital space, inequality, corruption, and people's displacement and movement.

The Plan is strongly anchored to the 2030 Sustainable Development Agenda and embraces the Agenda's human rights-based commitment to 'leave no one behind'. To

further enhance equality and counter discrimination with respect to migrants, the Office will monitor and report on the rights of migrants throughout all phases of the migration cycle; advocate for full implementation of the specific protections to which migrants in vulnerable situations are entitled; provide technical assistance, guidance materials and legal expertise in support of human-rights-based approaches to migration governance; and strengthen the capacity of Member States, civil society, national human rights institutions, and UN partners to advocate for and implement human-rights based approaches. OHCHR will research and analyse emerging migration concerns, including migrants in vulnerable situations, returns and reintegration, and the human rights links between migration and climate change, poverty, women's rights and child protection; and develop communication tools to reframe anti-migrant narratives. The Office will also work with the Global Compact on Migration to ensure that the human rights of all migrants are better understood, recognized, respected and protected.

OHCHR and Human Rights Mechanisms

Distinguished Experts,

Concerning developments during the 38th session of the Human Rights Council, the High Commissioner provided his last global update to the Council at its opening session on 18 June 2018. He drew attention to the universality of human rights expressing concern over growing attacks against the Universal Declaration of Human Rights and the body of human rights law that stemmed from it not only from violent extremists but also from authoritarian leaders, populists and demagogues. He remarked that the most destructive force to imperil the world is chauvinistic nationalism and the United Nations was conceived to prevent its rebirth.

He reflected on the failure of a number of countries to grant access that hinders the work of OHCHR; the human rights' situation in a number of States; the human rights violations suffered by LGBTI people, as well as positive developments in States' granting access and engaging with the human rights mechanisms. He highlighted his alarm over access for civil society organizations to migrants. He mentioned his deep concern about the draft bill in Hungary which would criminalize individuals and groups deemed to be supporting or aiding asylum-seekers, refugees or undocumented migrants. Regarding the

United States' policy of separating children from undocumented parents at the United States - Mexico border, he called on the United States to immediately end this practice which may cause irreparable harm to the children. The High Commissioner also stated that when leaders undermine human rights, they are eroding the structures which can ensure the safety of their people and are recreating the rule of brute force and exploitation. True patriotism consists in viewing every State, and humanity as a whole, as a community of mutual responsibility, with shared needs and goals. It consists of the work of creating tolerant communities that can live in peace.

On 20 June 2018, the Human Rights Council held an interactive dialogue with the Special Rapporteur on the human rights of migrants and considered his first report which focused on the safe return and reintegration of migrants. He also discussed his participation in the Global Compact on Migration process stating that States must take the initiative to ensure its implementation. On 21 June, the Council addressed the issue of discrimination against women and the issue of trafficking in the context of mixed migration in an interactive dialogue with the Working Group on the issue of discrimination against women in law and practice, and the Special Rapporteur on trafficking in persons, which focused on the main challenges of early identification and the need for assistance through the migration process for persons at risk.

The Council held a general debate on 2 July on racism, racial discrimination, xenophobia and related intolerance where speakers expressed concern about rising intolerance, extremism and hate crimes targeting mostly migrants and refugees as well as minorities. It also held an interactive dialogue with the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance on her report on racial discrimination in the context of laws, policies and practices concerning citizenship, nationality and immigration, including the manipulation of national security fears by ethno-nationalist groups and the targeting of migrants and refugees.

Special Procedures and other United Nations entities¹ issued a number of statements relevant to the work of the Committee, including a statement on 21 June 2018 urging States to protect migrants vulnerable to human trafficking and exploitation by putting in place

¹ Special Rapporteur on the human rights of migrants; Special Rapporteur on trafficking in persons; Special Rapporteur on the rights of indigenous peoples; the Expert Mechanism on the Rights of Indigenous Peoples; the Permanent Forum on Indigenous Issues; the UN Voluntary Fund for Indigenous Peoples and the Special Rapporteur on the rights of indigenous peoples.

measures for early identification, protection and referral of victims of trafficking; a joint statement issued on 22 June urging the United States to release migrant children from detention and to stop using them to deter irregular migration; and a statement issued on 9 August, the International Day of the World's Indigenous Peoples, calling on States to protect indigenous peoples during migration.

OHCHR remains very active regarding migration: raising awareness, building capacity, engaging in standard setting and advocacy. While you will be briefed by OHCHR's Migration Advisor in more detail during this session, allow me to highlight a few key activities.

Our regional office in Brussels has been working on a document entitled "Guidance to respect children's rights in return policies and practices" in conjunction with IOM, UNHCR, UNICEF, the Platform for International Cooperation on Undocumented Migrants (PICUM), and Save the Children. The objective is to set out technical guidance to key EU actors on ensuring that returns of children from the European Union are in line with the rights of the child. The regional office was provided with the joint CMW-CRC general comments on children in the context of international migration to inform the guidance document. OHCHR also organized an event on the human rights perspectives on the smuggling of migrants on 30 May 2018 in Geneva in collaboration with the Migration Policy Centre of the European University Institute co-sponsored by the Netherlands which focused on the issue of migrant smuggling and the gendered impacts of smuggling criminalization.

As co-chair of the Working Group on Human Rights and Gender Equality, OHCHR led 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 November 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. I understand that Ms. Dzumhur and Mr. Frasheri will be participating in this meeting.

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 and concluded in July 2018. During this phase, OHCHR, other UN entities, the human rights mechanisms and civil society continued to work tirelessly to advocate for a human rights based approach grounded in international human rights law in the Global Compact for Migration, including through government outreach, the organization of side events and issuing of statements and other advocacy documents.

The Expert Working Group for Addressing Women's Human Rights in the Global Compact for Migration, of which CMW is a member, worked on advocacy documents and initiatives, including a guidance note series for governments to provide guidance on how to ensure that the human rights of all women and girls in migration are at the core of Global Compact on Migration through the development and implementation of gender-responsive migration policies in accordance with international human rights framework.

Numerous civil society organizations, which partner with CMW including Caritas Internationalis, the International Catholic Migration Commission, Migrant Forum Asia, PICUM, Terre des Hommes and others, also strongly advocated for a framework for governing migration that is respectful of human rights and the rule of law. Civil society issued an open letter dated 3 May to UN Member States noting that several key areas must be addressed in the Global Compact including providing safe access to services, ending child immigration detention, ensuring that immigration detention is used only as a measure of last resort and for the shortest period of time possible, to ensure that the linked experiences of refugees and migrants is not ignored so to avoid protection gaps, and the need to expand safe and regular pathways.

A joint statement organized by the IAWG to End Child Immigration Detention was issued in May 2018 calling on States to end child immigration detention. The statement highlighted non-custodial, community based alternatives to detention which safeguard children and families from negative physical and mental long-term development impacts,

and also save resources. The statement made reference to the Committee's general comment No. 4 on State obligations regarding the human rights of children in the context of international migration.

The Special Rapporteur on the human rights of migrants and several other special procedures mandate holders issued a joint statement on 11 July urging States to ensure protection of migrants' rights in the Global Compact on Migration focusing on the principles of non-refoulement, non-discrimination and the best interest of the child. They also encouraged Member States to include the UN human rights mechanisms as a critical component of the implementation, review and follow-up of the Global Compact. A joint statement by civil society was issued on 13 July at the conclusion of the negotiations on the Global Compact for Migration highlighting the achievements of the Compact, including working to end child migrant detention, expanding regular avenues for migration, emphasizing community-based alternatives to detention, and protecting migrants in situations of vulnerabilities, among others. Civil society groups reported an advocacy win as hard-fought over language in the final draft which includes a commitment by States to end child migrant detention.

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. It also advocated for a human-rights based Global Compact on Migration, throughout the negotiation phase, including by developing a set of 11 Key Messages, in cooperation with the Migration Task Force and other partners.

Treaty Body Strengthening

Distinguished Members,

The 30th meeting of Treaty Body Chairs was held in New York from 28 May to 1 June. Discussions focussed on the General Assembly's 2020 review of the treaty body system; progress achieved in aligning working methods and practices of treaty bodies; follow-up to concluding observations; reporting compliance; the Addis Ababa and San Jose guidelines, inquiries and the treaty bodies and the Sustainable Development Goals. The Chairs also held consultations with Member States, United Nations entities and civil society,

and with United Nations officials, including the Secretary-General and Deputy Secretary-General. You will receive a more in-depth briefing on the 2020 review and meeting of the Chairs later in the session.

In conclusion, I would like to take this opportunity to wish you a most successful session, and I thank you for your attention.
