

Check against delivery

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



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Geneva, 3 April 2017
Palais Wilsons, Ground Floor Conference Room

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

On behalf of the High Commissioner for Human Rights, Mr. Zeid Ra'ad al Hussein, I have the pleasure to welcome you to the twenty-sixth 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.

Distinguished Members,

Allow me at this occasion to share with you some information around five main areas that may be of interest to you: the 2030 Agenda for Sustainable Development; the High Level Meeting on Refugees and Migrants; the Global Compact; the human rights mechanisms; and finally treaty-body strengthening.

2030 Agenda for Sustainable Development

On taking his oath of office in New York on 12 December, Secretary-General Guterres outlined his reform agenda. He emphasized that key elements of that agenda are United Nations support to Member States in achieving the Sustainable Development Goals and implementing the objectives of the Paris Agreement on climate change. The Secretary-General committed to reforming the UN development system by bringing the humanitarian and development sides closer together from the very beginning of a crisis to support women, men and children affected, and stressed that humanitarian response, sustainable development and sustaining peace are integrated, interconnected, complementary and mutually reinforcing.

From the outset, CMW has been an advocate of mainstreaming the human rights of migrants across the relevant Sustainable Development Goals and targets. Your decision to incorporate references to relevant SDG targets in your concluding

observations and your recent collaboration with UN Women on the elaboration of recommendations for addressing gender perspectives in the development of the global compact will reinforce the linkages between the Convention and the 2030 Agenda.

In his opening of the High-Level Meeting on Large Movements of Refugees and Migrants, the President of the 71st session of the General Assembly, Ambassador Peter Thomson of Fiji, urged all Member States to implement the commitments contained in the New York Declaration, and announced that the principal objective of UNGA 71 will be a universal push to implement all 17 Sustainable Development Goals, while also beginning the process leading to the two global compacts on migrants and refugees. He further acknowledged this link in his SDG implementation strategy briefing to Member States in November 2016, when he stated that human rights for all can only be realized through the effective implementation of all 17 SDGs. In turn, sustainable development can only be achieved through the full realization of human rights.

He stressed that while Governments have the primary responsibility for meeting the 2030 Agenda, the UN has a central role in supporting its implementation. The three track implementation strategy of the President of the General Assembly embraces raising global awareness of the importance of SDG implementation; strengthening momentum in the implementation of each of the 17 SDGs; and supporting the UN entities in providing their maximum contribution to SDG implementation at all levels.

Today, as we look to 2030, the large-scale movements of migrants and refugees around the world arising from conflicts, disasters and other push factors add to the challenges that States and the UN are facing in implementing the SDGs. It is in such grave times that respect for the principles underlying the international human rights treaty framework, including the CMW Convention, become all the more relevant, in particular since at least 10 of the 169 targets include references to issues directly pertaining to international migration and migrant workers. It also makes the

recommendations of the treaty bodies to State parties, including CMW's, all the more critical.

High Level Meeting on Addressing Large Movements of Refugees and Migrants , and the Global Compact

On 19 September 2016, the General Assembly at its High Level Meeting on Addressing Large Movements of Refugees and Migrants, adopted the New York Declaration. , This is the beginning of a process which includes the negotiations of the global compacts which are to be adopted in 2018 to be followed-up during the 2019 High Level Dialogue.

Adopted by acclamation, this landmark declaration, includes a number of principled commitments, including to fully protect the human rights of all refugees and migrants as rights-holders, regardless of their status, and to devise responses to large-movements with full respect for international human rights law and other relevant standards. Critically, the Declaration commits States, *inter alia*, to address the special needs of people in vulnerable situations; ensure border management procedures in full conformity with international human rights and refugee law; save lives; give primary consideration at all times to the best interest of the child; consider reviewing policies that criminalize cross-border movements; pursue alternatives to detention; combat xenophobia and discrimination against refugees and migrants; and improve data collection.

The Declaration takes note of the work done by the Global Migration Group to develop principles and practical guidance on the protection of the human rights of migrants in vulnerable situations. OHCHR led the drafting of these principles and guidelines which the High Commissioner presented in draft form to the Human Rights Council at its recent March session. The Declaration also requests OHCHR, among other stakeholders, to contribute to the process of developing the Global Compact on Migration, which will set out principles, commitments and the common

understanding among Member States regarding international migration in all its dimensions.

Ahead of the Summit, an open letter from the High Commissioner was circulated among Permanent Missions in New York and Geneva urging Member States to address human rights protection gaps for migrants in vulnerable situations; challenge the criminalisation of migrants and move to end immigration detention; take immediate steps to end the detention of children; confront xenophobia against migrants and refugees; and initiate a paradigm shift in the governance of migration.

During the Summit, the High Commissioner delivered a passionate statement at the opening plenary lamenting that the international community called this summit because it has largely failed millions of migrants and refugees who deserve far better than lives marked by cradle-to-grave indignity and desperation. He called on world leaders to use the opportunity of the summit to change this narrative by collectively ensuring respect, safety and dignity for all.

Prior to and during the meeting, OHCHR advocated for the universal application of human rights in the context of migration, including through the High Commissioner's open letter, its participation in the thematic roundtables, side events and in the U.N. Private Sector Forum, as well as through interaction with key intergovernmental counterparts. Treaty Bodies, including CMW, and Special Procedures also played a role in advocating for the human rights of migrant workers, including through participating in the roundtables, bilateral meetings, side events and the issuance of press statements.

Following the High Level Meeting, OHCHR was involved in the development of the modalities resolution which has now been finalized. It envisages a two year process leading up to a global compact on safe, orderly and regular migration which will be adopted through an intergovernmental process. The global compact will be

developed in three phases involving consultations, stocktaking and finally intergovernmental negotiations of the draft text of the compact.

The modalities resolution includes specific reference to the participation of special procedures and the treaty bodies, civil society and national human rights institutions, and recognizes the importance of a whole-of-system approach to migration.

Louise Arbour, former High Commissioner for Human Rights, was appointed as Special Representative of the Secretary-General for International Migration on 9 March 2017. She will work with Member States, in partnership with other stakeholders, as they develop a first-ever global compact on safe, orderly and regular migration. Ms. Arbour will lead the United Nations advocacy efforts on international migration, provide policy advice and coordinate the engagement of United Nations entities on migration issues, particularly in implementing the migration-related components of the New York Declaration.

Human Rights Mechanisms:

Allow me to update you on developments in the Human Rights Council since your last session. In his global update to the 33rd session of the Human Rights Council on 13 September 2016, the High Commissioner, shared his concern over the growing refusal of an increasing number of Member States to grant OHCHR or the human rights mechanisms access to countries or to specific regions. He stressed that there was no alternative to working together and committing to collective action to address the many challenges facing the international community, in particular, terrorism, poor governance, corruption, xenophobia and the rise of populist and nativist movements in many parts of the world.

The High Commissioner also noted the growing polarisation within the Council and the increasing attempts by States to block or evade human rights

scrutiny. He emphasized that human rights are not just a national issue – the human rights of all people and in all countries require our collective attention. He concluded by stating that human rights norms empower people to demand Governments which serve them, instead of exploiting them; economic systems that enable them to live in dignity; and the right to participate in every decision that impacts their lives. These are the essential steps which will lead to greater mutual respect and more sustainable development and justice, within a world of greater safety.

OHCHR submitted a report on the promotion and protection of the human rights of migrants in the context of large movements (A/HRC/33/67) at the 33rd session of the Council which included a set of recommendations addressed to States ahead of the high-level plenary meeting of the General Assembly on this topic. It called on the global compact to be premised on the protection of the human rights of all migrants and to ensure that it is firmly based on international human rights law and other relevant normative standards.

In his final thematic report to the General Assembly on the developing the global compact on migration, the outgoing Special Rapporteur on the human rights of migrants, Mr. Francois Crepeau, made proposals on how the global compact can be developed, in particular with a view to ensuring that human rights are effectively included and mainstreamed therein. The report underlines the importance of taking a long-term strategic approach in developing the global compact for regular, safe, accessible and affordable mobility policies and practices, which will better place States to respond to the significant demographic, economic, social, political and cultural challenges that lie ahead.

The Council also adopted a resolution on unaccompanied migrant children and adolescents and human rights (A/HRC/33/7) which called upon countries of origin, transit and destination to facilitate family reunification, as appropriate, as an important objective to promote the welfare and the best interests of unaccompanied migrant children and adolescents. The Human Rights Council Advisory Committee

also discussed at its 18th session on 21 February 2017, its report on unaccompanied migrant children and adolescents which was drafted pursuant to Human Rights Council resolution A/HRC/29/12. Mr. Ceriani of the CMW participated in this meeting via video conference.

Finally, OHCHR is leading the drafting of principles and guidelines on the human rights protection of migrants in situations of vulnerability. The High Commissioner presented these principles and guidelines in draft form to the Human Rights Council at its 34th session this March. I understand you will be briefed by the Migration Team on this matter as well as on the modalities resolution and the global compact at this session.

When he addressed the Human Rights Council for the first time this March, the Secretary-General stressed the important role of the Council in addressing the disregard for human rights worldwide, including the rights of migrants and refugees. He highlighted that the challenges of today could be tackled if prevention was made a priority, including addressing the root causes of conflict and reacting early to human rights concerns, as well as actively promoting human rights and strengthening States, institutions and civil society.

The High Commissioner for Human Rights also addressed the Council recalling what the world had achieved over the past seven decades and what it could stand to lose if threats to choke off universal human rights succeeded. He expressed concern at increasing calls within the European Union to establish extraterritorial processing centres for asylum-seekers and migrants, and the xenophobic public narratives which appear to be deliberately aimed at stirring up fear and panic. He also expressed concern regarding the xenophobic rhetoric against migrants as well as immigration bans coming from the new Administration in the United States.

Finally, the Human Rights Council held an enhanced interactive dialogue on the human rights of migrants in the context of large movements on 10 March as a contribution to the process of developing a global compact on migration.

Treaty Body Strengthening

Distinguished Members,

In August 2016, former Secretary-General Ban Ki-moon issued the first biennial report on the status of the treaty body system which shows that the measures taken further to General Assembly resolution 68/268 have allowed the treaty body system to address some of its most pressing challenges. It also notes that further progress could be made in harmonizing treaty body working methods. In response to the report, the General Assembly, in December, reconfirmed its approach to the treaty bodies as a system, adopting a resolution (A/RES/71/185) on the treaty body system that brings the sponsors of traditional individual treaty resolutions under one umbrella when it comes to procedural and managerial matters.

Ms. Dzumhur participated in a consultation between the treaty bodies and national human rights institutions on 9 and 10 March 2017 in Geneva, which was organized by OHCHR in cooperation with the Geneva Academy and the Global Alliance of National Human Rights Institutions. The meeting provided a forum for treaty bodies and national institutions to exchange experiences and perspectives about engagement by national institutions with treaty bodies and to look at common approaches to engagement by the treaty bodies with national institutions. A summary discussion paper with recommended guidelines for a common treaty body approach will be provided to the treaty bodies for discussion and endorsement.

Ladies and Gentlemen,

I commend the Committee for its collaboration with other mechanisms and stakeholders in promoting and protecting the human rights of migrants. This has been

evidenced by its participation in the Global Forum on Migration and Development; its advocacy efforts around the High Level Meeting on addressing large movements of refugees and migrants; its cooperation with partners, including the recommended principles and guidelines on the human rights of women in situations of migration with UN Women and the CEDAW Committee, and other promotional events and activities, including numerous press statements. It is also evidenced through the elaboration of a very timely joint general comment with the Committee on the Rights of the Child on children in the context of international migration.

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