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FOR

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**European Parliament Committee on
Civil Liberties, Justice and Home Affairs (LIBE)**

***Developments regarding the process to develop a
Global Compact on Migration.***

22 June 2017, Brussels

Mr. Chairman,

Honorable Members of Parliament,

Excellencies, Ladies and Gentlemen,

It is a great pleasure for me to participate in this discussion on the process to develop the Global Compact on Migration. I thank the European Parliament LIBE Committee for their generous invitation, and thank also all of the distinguished participants for being here today.

Migration is the story of humanity since its earliest times. It is the story of some of us in this room today and that of many other women, men and children who have sought new horizons, safety or dignity abroad.

This experience is a familiar one to many Europeans. It would be presumptuous of me, however, to speak about your story. I am here to listen and stand ready to engage in a constructive dialogue.

I do want, nonetheless, to acknowledge the genuine challenges that this issue presents for countries and communities worldwide. The precarious movements of people that we are witnessing around the globe, including in Central America, South-East Asia, Africa, and in and at the borders of Europe, have generated serious concerns.

It is increasingly clear that a lack of principled and collaborative migration governance at the global, regional and national levels is largely responsible for the present situation. What we are facing is less a migration crisis than a migration *management* crisis and, importantly, a crisis of solidarity.

This is precisely what brought World Heads of State and Governments together September last year at the UN General Assembly to discuss how the international community should best respond to the global phenomenon of large movements of refugees and migrants.

In the landmark *New York Declaration for Refugees and Migrants*, they recognized that better global cooperation and governance on migration are urgently needed.

This is a historic manifestation of political determination to share responsibility to facilitate and ensure safe, orderly

and regular migration in a humane and people-centered manner, through sound public policy, grounded in evidence – not assumptions – and in reality, not wishful thinking.

The New York Declaration launched a major intergovernmental process, currently underway, which will culminate in late 2018 with the adoption of a *Global Compact for safe, orderly and regular migration*. Among other activities, many at the regional level, an extensive process of inter-state consultations were laid down, with the strong involvement of other stakeholders – civil society, labour movements, and others.

Let me share with you some general observations on these consultations to date. These will focus on: the human rights of all migrants, countering xenophobia, addressing the drivers of migration, and the issue of international cooperation and governance of migration.

Human rights of all migrants

The international legal framework already provides the foundation upon which a Global Compact on safe, orderly and regular migration should be built. Member States reaffirmed, in the New York Declaration, that all migrants, regardless of their migratory status, are rights-holders.

But despite the already existing wide and robust body of international and regional law, and repeated political commitments to address migration in a people-centred manner, there is undeniably an implementation gap in human rights protection. We see this gap day-to-day in migrants' access to health care, adequate housing, education and justice.

Irregular migration enhances the vulnerability of migrants in multiple ways. They are disproportionately exposed to discrimination, marginalization and abuse.

Many work in informal sectors of the economy often under exploitative conditions. Fearing the risk of detention or deportation, they may be fearful to report crimes whether

against themselves or others in their community. Putting in place "firewalls" between immigration enforcement and public services is an effective way to facilitate access to fundamental rights, including justice, health care and education.

Some migrants obviously fall outside the specific legal refugee protection regime. Yet, they may face situations of similar vulnerability and be in need of human rights protection. They are not merely “economic migrants.” This simplistic denomination does no justice either to the complexity of reasons that compel people to move, or to their protection needs. This is particularly true for women and girls at risk, unaccompanied children, elderly persons, and persons with disabilities.

We must reaffirm in both policy and practice the fundamental importance of respecting, protecting and fulfilling the human rights of all migrants, regardless of their status.

Misperceptions & countering xenophobia

Despite much of the toxic narrative around this issue, migration should not by itself be seen as a ‘problem’ to be fixed.

Migration can be an empowering experience for many individuals. It can also make an important contribution to addressing some of the world most intractable challenges, such as climate change, sustainable development and population decline and ageing. Migration has been recognized as a proactive adaptation strategies, a livelihood scheme against poverty, a contribution for inclusive growth and sustainable development, and a vehicle for empowerment and gender equality.

It is essential that we challenge some of the current myths and misperceptions about migrants and migration through facts and evidence, most of which paints a considerably more favourable picture of migration than that consumed daily in much of the media.

But increased efforts to collect and share relevant data are only part of the equation. These efforts need to be paired with a willingness to recognize the legitimate concerns that underlie negative reactions to migration.

In a context of economic crisis or even simple downturn, high unemployment, and genuine security alarms, the responses cannot be simplistic. If we fail to address these concerns as legitimate, our dialogue will be divisive and unfruitful; it will not increase public support for appropriate policy responses, but it will increase pressure for action, even if misguided.

I therefore encourage the honorable Members of the European Parliament here today to lead further efforts to counter discrimination and xenophobia against people on the move, including through a more balanced and inclusive discourse, anchored in facts that reflect the full and complex reality of migration, and that addresses the needs of both migrants and the communities that host them.

Addressing the drivers of migration

Excellencies, Ladies and Gentlemen,

We witness on a daily basis the desperation of many women, men and children facing severe hardship, injury or even death as they seek to cross borders in search of a life of safety and hope.

The motivations for undertaking these journeys are increasingly complex. While many people move through genuine free choice, others are compelled to leave their homes to escape conflict, persecution, discrimination, food insecurity, poverty, family separation, effects of climate change or some combination of the above.

In many cases, one would be hard pressed to suggest that they move voluntarily. Indeed, the line between voluntary and non-voluntary movement is becoming increasingly questionable. As recognized in the New York Declaration, refugees and migrants have the same universal human rights and fundamental freedoms, often face common challenges and many have similar vulnerabilities.

To design adequate responses, it is essential that we seek to understand and assess why people move and address fully the protection needs they encounter.

The international community needs to step up action to address on the root causes that make migration a necessity rather than a choice, and recognize both the push and the pull factors that influence this journey. When both sets of factors are strong – not just the drivers that compel flight but also the draws – for example, a large, informal labour market – that encourage movement, erecting barriers will likely only increase the risk and cost of the journey, and further drive migrants underground.

International cooperation and governance of migration, including at borders.

Crucially, and this is my last point, international cooperation and governance of migration are essential vehicles by which to implement the Global Compact, once established.

Smart, responsible and implementable cooperative arrangements should trigger a virtuous cycle in which public trust in states' ability to govern their borders would be restored, and erroneous mistrust against migrants reduced.

Efforts to curtail irregular migration by focusing exclusively on border control, repressive forms of detention and return have not only been ineffective but in some cases have further exacerbated the difficulties of developing whole-of-government and whole-of-society approaches to a phenomenon that will be with us, in one form or another, on more or less the same scale, for decades ahead.

Measures such as the criminalization of the provision of aid and humanitarian assistance to irregular migrants can have unintended negative implications not only on migrants but also on the people who, in good faith, are extending legitimate assistance to persons in danger.

Increased recourse to administrative detention is often undertaken without adequate guarantees, resulting in migrants, including children, being exposed to arbitrary and punitive measures.

Pursuing alternatives to detention, particularly for children, is the promise made in the New York Declaration. States have pledged to work toward ending the practice of child immigration detention.

By facilitating safer alternatives to dangerous voyages, including through an increased variety of pathways for labour mobility, education and family reunification, we can reduce the need for many to migrate through irregular channels. Doing so will also support an effective asylum regime by providing alternatives to those who do not have legitimate asylum claims. And it will, crucially, increase public confidence in state capacity to govern this issue.

Excellencies, Ladies and Gentlemen,

The European Parliament's LIBE Committee plays a key role in ensuring that EU law-making is underpinned by the legal obligations and political commitments made by your Members States in international and regional human rights law.

Your wise counsel today is as important today as it ever was. I stand ready to engage with you in this endeavour.

I thank you and look forward to a fruitful discussion today.