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Opening remarks by

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**Celebrating the 20th Anniversary of the Convention on the Protection of All
Migrant Workers and Members of their Families**

Bangkok, 13 December 2010

Excellencies,

Distinguished experts, government and civil society representatives,

Ladies and Gentlemen,

It is my pleasure to be with you today to commemorate the 20th anniversary of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The anniversary is a milestone in our collective efforts to help realize the universal, inalienable and indivisible human rights of all, regardless of their immigration or other status.

Adopted on 18 December 1990 by the General Assembly, the Convention opened a new chapter in the history of determining the rights of migrant workers and their families. Today, the Convention is more relevant than ever. We live in a globalized world. Migration is a daily reality for all of us. We have witnessed multiple surges of migration across the globe in the past two decades and some 214 million people are now international migrants. Many countries are simultaneously countries of origin, transit and destination. This is true for Asia and the rest of the world.

And, let me add, this is a good thing. Migrants contribute to economic growth and human development both at home and in host countries, enrich societies through cultural diversity, knowledge and technology exchange, and by improving demographic balance in aging populations. Opportunities presented by migration, however, come with multiple and multifaceted challenges. While for many, migration is a positive and empowering experience, many others endure human rights violations, discrimination, and exploitation. This is even more so for the tens of millions of irregular and undocumented migrants worldwide. It is for this reason that the Global Migration Group, a collective of

14 UN agencies, the International Organization for Migration and the World Bank, currently chaired by High Commissioner for Human Rights Navi Pillay, adopted a landmark statement in September speaking out in one voice for the protection of the human rights of all migrants, particularly those who are in an irregular situation.

Migrants in such a situation are more likely to face human rights violations and at all stages of the migration process. They are often denied even the most basic labour protections, due process guarantees, personal security, and healthcare. They often face prolonged detention or ill-treatment, and in some cases enslavement, rape or murder. Clearly much more needs to be done to correct this.

Distinguished participants,

The Convention plays a key role in our efforts to correct this and make migration a positive experience for all. The Convention entered into force in 2003 and the Committee on Migrant Workers has been in place since 2004 to monitor its implementation. Today, 44 countries have become Parties to the Convention, which include few receiving countries and a limited number of countries in the Asia-Pacific region. Sixteen countries have signed, including some from your region, but not yet ratified it.

As we commemorate its 20th anniversary, what are our messages about the Convention and migrants' rights? Let me reiterate the call of High Commissioner for Human Rights Navi Pillay, who has expressed her strong support for the Convention on many occasions, most recently during the fourth Global Forum on Migration and Development in Mexico last month. Firstly, we

encourage those States that have not yet done so to ratify the Convention and ensure its effective implementation. Secondly, State Parties to the Convention must make the rights guaranteed therein a reality through concerted efforts at implementation. Thirdly, States which are not yet party to the Convention must ensure that domestic laws and regulations conform to international human rights standards. Why? I would like to share with you a few observations from the perspective of international law. And I am sure the distinguished panellists today will further enlighten us with experience, insights and a perspective from the Asia-Pacific region.

Human rights violations against migrants are often closely linked to discriminatory law and practice, and to deep-seated attitudes of prejudice and xenophobia against them. The principle of non-discrimination is fundamental in international human rights law and runs across all international human rights instruments inspired by the Universal Declaration, notably the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Today, all UN Member States have ratified at least one of the nine core international human rights treaties, and 80 percent have ratified four or more conventions that guarantee these rights.

States have legitimate interests in securing their borders and exercising immigration controls. However, such concerns cannot, and indeed as a matter of international law, do not trump the obligations of the State to respect the internationally guaranteed rights of all persons, to protect those rights against abuses, and to fulfil the rights necessary for them to enjoy a life of dignity and security. International law is unequivocal about States' obligations to respect, to protect and to fulfil human rights.

Excellencies,

The Convention on the rights of migrant workers is one of the core UN human rights treaties. It provides standards for domestic policies and law that recognize the specific vulnerabilities of migrants. It promotes humane working and living conditions for migrant workers, and sets out the rights of often neglected accompanying family members. The Convention, together with International Labour Organization Convention 97 on Migration for Employment and Convention 143 on migrant workers (Supplementary Provisions), establishes a comprehensive framework for national migration policies and international cooperation. The three instruments combined are often called an international charter on migration, which provides a normative basis for safe migration and guides coherent and viable policies that make it possible.

The Convention, and through its monitoring mechanism the Committee on the rights of migrant workers, focuses on the application of the internationally guaranteed rights on migrants and their effective implementation. State Parties' regular reports to the Committee and the process of dialogue and monitoring provide a much needed opportunity for governments, civil society and international actors and human rights mechanisms to focus on the human rights of migrants.

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