

Round table 2: Measures to ensure respect for and protection of the human rights of all migrants, and to prevent and combat smuggling of migrants and trafficking in persons

Thursday, 14 September 2006, 3:00 to 6:00 p.m.

**Summary by the Chair
H.E. Mr. Francisco Lainez, Minister of External Relations,
Republic of El Salvador**

Excellencies, Distinguished Delegates, Ladies and Gentlemen,

I have the honour to summarise the excellent debate that took place in Round Table 2 which focused on “*Measures to ensure respect for and protection of the human rights of all migrants, and to prevent and combat smuggling of migrants and trafficking in persons*”. The discussion in our round table was lively and enriching, drawing a wide participation from Member States, United Nations entities as well as representatives of civil society. We also benefited from the participation of the High Commissioner for Human Rights, Ms. Louise Arbour. It is thus with great pleasure that I will share with you some of the key insights emerging from the discussion.

There was general agreement that migrants were, above all, human beings endowed with fundamental and inalienable rights. Human rights should be considered part of the necessary under-girding linking international migration to development since, as delegates stressed, only when the human rights of migrants were recognised and safeguarded could the positive contributions of migrants to countries of origin and destination be fully realized. It was emphasized that all States, whether they were origin, points of transit or destination of migrants, had the obligation to respect the fundamental rights and freedoms of all migrants, irrespective of status. Of particular relevance was the protection of the rights and freedoms of groups that were more vulnerable to exploitation, such as children, youth, women, indigenous peoples, persons with disabilities and migrants in irregular situations.

The importance of social, economic and cultural rights was stressed, especially as their observance underpinned the successful integration of migrants to host societies. There was agreement that it was paramount to eliminate all forms of discrimination and to combat xenophobia and racism. The Governments of receiving countries had the responsibility for opposing discriminatory, racist or xenophobic attitudes and promoting respect and tolerance.

Member States were urged to ratify all core human rights instruments and, in particular, the International Convention on the Protection of the Rights of All Migrant Workers and

Members of their Families. It was noted that this Convention reiterated many of the obligations that States were already bound to because they were parties to the other core human rights instruments.

Member States were also urged to become parties to all relevant ILO and United Nations Conventions, and to ensure their full implementation. It was stressed that national legislation on international migration should reflect internationally agreed human rights standards.

Trafficking in persons and smuggling of migrants were recognized as major challenges facing the international community today. Inter-governmental cooperation and coordination were judged essential in combating these crimes effectively. Member States were urged to cooperate more actively in preventing these crimes and in bringing perpetrators to justice. It was emphasized that persons trafficked were victims and were entitled to protection and assistance. Several Member States gave examples of good practices, including media campaigns to warn potential migrants of the dangers involved in trying to cross borders irregularly or about the ploys traffickers used to ensnare victims. Another good practice was granting permission to stay to victims of traffickers.

It was emphasized that the ratification and implementation of United Nations instruments regarding trafficking in persons and smuggling of migrants was essential, especially since they provided the framework for international cooperation in these matters. While trafficking and smuggling were crimes, migration was not and should not be criminalized. Delegates urged Governments to protect the victims of trafficking in persons, especially by safeguarding their human rights. Some delegates argued that restrictive migration policies were at the root of increased irregular migration and that they made people more vulnerable to fall prey of trafficking.

Noting the increased feminisation of migration, particularly labour migration, the need for a gender-sensitive approach in formulating international migration policies was underscored. It was stressed that in many circumstances, female migrants, particularly those working in poorly regulated sectors, such as domestic service, were more vulnerable to exploitation and abuse than male migrants. It was therefore urgent to take effective measures to protect the rights of female migrants irrespective of their occupation or migration status.

Lastly, several delegations expressed satisfaction with the opportunity afforded by the High-level Dialogue to discuss the issues of international migration, development and human rights and supported the Secretary General's proposal to establish a Forum to follow up on the discussions that had taken place at the High-level Dialogue.

Thank you, Madame President.