UN

Criminalization ‘no solution’ to irregular migration – UN Committee on Migrant Workers

NEW YORK/GENEVA (24 October 2014) – Criminalizing people for crossing or attempting to cross borders does nothing to tackle the issue of irregular migration, but contributes instead to rising intolerance, xenophobia and the social exclusion of migrants, Francisco Carrion Mena, Chair of the UN Committee on Migrant Workers (CMW), said on Friday.

Mr. Carrion Mena’s comments came as he presented the Committee’s annual report to the General Assembly’s Third Committee in New York.

“States’ legitimate interests in securing their borders and exercising immigration control cannot override their obligation to respect, protect and fulfil the human rights of all persons in all areas under their jurisdiction, regardless of their migration status,” said Mr. Carrion Mena. “Some States mistakenly consider border areas as exempt from human rights obligations.”

The CMW Chairperson also highlighted the high number of lives lost at sea and on land as a result of insufficient channels of migration. “A year ago, 300 immigrants died when their boat sank off Lampedusa and we have since seen further tragedies. Just last month 500 migrants, including 100 children, drowned in the middle of the Mediterranean when smugglers rammed their boat,” Mr. Carrion Mena recalled. International Organization for Migration figures show that from January to September 2014, more than 3,000 people died in the Mediterranean, while there were 230 deaths along the US-Mexican border.

The Committee is also concerned about migrants in detention, where they can face violence, deplorable conditions including overcrowding and poor sanitary facilities, and inadequate psychological and medical care. “States should seek alternatives to detention, with deprivation of liberty in the context of migration a measure of last resort,” the CMW Chairperson said.

Millions of children worldwide are affected by immigration detention, which has been shown to have long-lasting mental and physical health implications. “Children should not be detained based on their migratory status or that of their parents as this constitutes a child’s rights violation,” said Mr. Carrion Mena.

The CMW makes the following concrete recommendations to States parties:

- Enact legislation and other reforms to eliminate all forms of discrimination against migrants;
- Strengthen law enforcement and criminal justice responses to xenophobia and
violence and enable migrants to access justice;
• Create campaigns to end negative and inaccurate public messages and promote tolerance and respect for migrants;
• Collect and disseminate accurate data on discrimination and on the positive contributions that migrants make to the development of both their host countries and home communities.

“Migrants make significant and essential contributions to the economic, social and cultural development to their host countries and their communities back home. But too often these contributions go unrecognized,” Mr. Carrion Mena said. “Migrants continue to suffer exploitation, xenophobic violence and abuse, especially those in an irregular situation. For example, Qatar has acknowledged that almost 1000 migrants died over the past two years in work-related incidents and illnesses,” he said.

The Committee unequivocally supports the promotion and protection of the human rights of all migrant workers and members of their families and advocates for a human-rights based approach to migration policies and practices as part of the post-2015 development agenda. The CMW also calls on States to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Only 47 States have done so since the Convention was adopted almost 25 years ago.

“The lack of political will to stand up for migrant workers’ rights is the biggest challenge to the protection of this very vulnerable group of human beings,” Mr. Carrion Mena said.

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Background:

There are an estimated 230 million international migrants worldwide. Migration affects almost every country in the world and South-South migration is now as common as South-North migration.

For more information about the Committee on the Rights of Migrant Workers: http://www2.ohchr.org/english/bodies/cmw/index.htm

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