

**Statement by Mr. Bertrand Ramcharan
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United Nations High Commissioner for Human Rights (UNHCHR)**

**at the Eighty-sixth Session of the IOM Council
18-21 November 2003**

Ladies and Gentlemen,

As I listen to this discussion, I have two thoughts in my mind. First of all, the Office of the High Commissioner for Human Rights represents the human rights idea. And second, the Office of the High Commissioner for Human Rights must bring something to the Geneva Migration Group. In the brief remarks that I shall make to you, I shall try to present these two strands.

High Commissioner Lubbers has already highlighted the importance of the Human Rights Dimension. My starting point will be the drafting of the Universal Declaration of Human Rights. René Cassin puts forward an article in the draft of the Universal Declaration that goes along the lines that everyone is born with reason and conscience and should act towards one another in a spirit of brotherhood. There was a debate in the drafting group when the Universal Declaration was being drafted between René Cassin on the one hand and Carlos Romulo of the Philippines and Professor Charles Malik of Lebanon on the other. To cut a long story short, out of this debate we get the famous concept in the Universal Declaration of Human Rights that the world must be built on the basis of respect for the rights of every person. I would like to ask you to keep this concept in your mind. Whoever the human being is, it is important to have the inherent dignity and rights of the human person as a norm and as a policy objective.

Related to this, I would ask you to keep in mind also the notion that human rights are for the poor, as well as for the rich. Some of the people on the move are well off, but the many of them are poor people in search of a job. The idea that, regardless if it is a poor or a rich person and whatever the circumstance, we should seek and strive to protect his or her rights, is an important entry point into the international dialogue on migration from a human rights standpoint.

Secondly, I would like to share with you some reflections on what the Office of the High Commissioner for Human Rights brings into the Geneva Migration Group. It brings this notion and it brings in the human rights norms contained in the Universal Declaration of Human Rights, various normative pronouncements of the United Nations and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

I remember as a young officer when Antonio González de León from Mexico proposed this Convention and when I sat in on the discussions in New York when this Convention was being drafted. Many people talked at the time that the Convention was setting too high a standard. I will not go into that history. Well, when one seeks to distill basic normative provisions from the Convention, one sees a philosophy of protection in it.

Thirdly, the Office of the High Commissioner for Human Rights brings into the Geneva Migration Group and into this discussion what I would call a consideration for the vulnerability factor. People are on the move. They are on the move in irregular situations. They are on the move in regular situations. And I do not need to tell the IOM Council of the vulnerability of people on the move. And the human rights idea is saying "Please act for the protection of these people who are vulnerable as migrants, whether regular migrants or irregular migrants".

Ladies and Gentlemen,

If you think about it, as High Commissioner Lubbers was saying a while back, the notion of protection of the group, regardless of the circumstances of the group, must be an important policy idea and it must be an important objective for us to work towards. And when one thinks of this vulnerability factor, I would ask you to think about the persons, especially young women, who are trafficked by the tens of thousands into contemporary forms of slavery and into prostitution. Think hard about this issue, ladies and gentlemen- as a human rights issue, as a migration issue and as a protection issue.

The Office of the High Commissioner for Human Rights brings into the Geneva Migration Group what I call the fact-finding function. At the time when, in 1975, the ILO was drafting its Convention and Recommendations on Migration, the United Nations Sub-Commission was doing a study on the human rights of migrants- a study done by Ms. Halima Warzazi of Morocco. Based on this heartbreaking study, the United Nations Human Rights Programme would continue to keep under the microscope the idea that migrants and members of their family should be monitored from a point of view of protection. The fact-finding function is nowadays performed by the Special Rapporteur of the Commission on Human Rights on the Human Rights of Migrants.

Let me just cite from the latest report to the General Assembly of the Special Rapporteur, Ms. Gabriela Rodriguez Pizarro. "The strengthening of security policies and the tendency to consider migration as a matter falling under state security plans, pose a threat to the human rights of migrants. Government strategies and policies adopted in response to the challenges presented by migration in its present dimension, have often failed to ensure respect for government's human rights obligations vis à vis migrants".

The Office of the High Commissioner for Human Rights and the Human Rights Programme bring, after the fact-finding function, what I would call the supervision function. The 20 States that are now parties to the Migrant Workers Convention will begin to submit reports. A committee will consider them and then look to see whether or not these countries are giving effect to their obligations.

Ladies and Gentlemen, on this podium today I would like to ask a question: Would it not be fair, and would it not be wise for countries to take a second look at this Convention? Might it be that a Convention that started perhaps ambitious at the time, is now setting norms that largely are tuned to the circumstances of our time? The more states ratify the convention, the more we will be able to perform the supervision function.

You have heard of a sixth function that I will just mention in brief- the coordination function. Those who have spoken before me have made the case for different perspectives to coordinate the activities of the United Nations System.

The seventh function is what I would call a policy and recommendation function. The very fact that people are on the move in such large numbers tell us- whether it be from the point of view of globalization, or whether it be from the point of view of international relations- that it is important for us to keep scrutinizing and to come up with policies and recommendations which have as their essential goal the protection of the person, the individual, rich or poor, whatever the circumstance.

Then I would say that the human rights perspective brings into the discussions in the Geneva Migration Group the conscience function. If we lose sight of this conscience function based on the international human rights norms, then we are giving up on this idea of a world shaped in the image of human rights. I place this before you and I ask you to think about it.

Finally, I would end on what Mr. Lubbers mentioned earlier, the protection function. Regardless of whether or not you are in a situation of irregular or regular migration, regardless of whether or not you are poor and you are struggling for life, regardless of whether or not your children are hankering for

an education, it surely must be right that the international community and governments set course on the idea that the individual, whatever the circumstance, is entitled to protection.

I would conclude on that Brunson. Thank you for organizing this panel.

Ladies and Gentlemen, as brothers and sisters with reason and conscience we are all entitled to protection. On behalf of the irregular and the regular migrants, I plead you today for conscience and protection.

I thank you.