



Fighting Violence against Migrants Through Protecting the Rights of Irregular Migrants

François Crépeau

UN Special Rapporteur on the Human Rights of Migrants

UNODC

Commission on Crime Prevention and Criminal Justice

Vienna, 24 April 2012

Plan

- Three reminders
- Ensuring respect of irregular migrants' rights
- Smuggling results from State policies
- Labour markets drive irregular migration
- Conclusions

Reminders

- Irregular migration is not a crime.
- Under the International Bill of Rights, migrants have the same rights as citizens except two.
- The violence that irregular migrants fear most is that perpetrated or not prevented by States.

Ensuring respect of irregular migrants' rights

- Detention of irregular migrants is ill-monitored
- Work of irregular migrants goes unrecognised
- Migrant children's rights aren't respected
- Borders still see too much violence
- Irregular migrants aren't empowered to fight for their rights.

Smuggling results from State policies

- Smuggling is a nasty business, but it has saved lives.
- Driving smuggling more underground increases the danger for migrants.
- Must be utterly distinguished from trafficking: like smuggling of cigarettes and trafficking in nuclear material.

Labour markets drive irregular migration

- Repression alone doesn't deter irregular migration
- Employers offer them jobs, at wages and for work conditions that locals will not accept.
- Labour markets need those migrants as they perform essential economic functions, and increase the competitiveness of several sectors.
- Destination States are co-responsible for:
 - anti-immigration discourses which result in violence against migrants,
 - creating or tolerating conditions that encourage migrant smuggling and irregular employment.

Conclusions

- Sealing borders is a fantasy: States should not encourage anti-immigration discourses.
- States should not criminalize irregular migration.
- Trafficking and smuggling must be utterly distinguished.
- States should recognize that irregular migration performs an essential economic function.
- States must empower migrants so they can fight for the respect of their rights.