Fighting Violence against Migrants Through Protecting the Rights of Irregular Migrants

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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.