



Track: Undesirable effects

Dialogue: Policy responses to irregular migration and human smuggling

Title: Preventing irregular migration through Dialogue and Cooperation

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The Council of Europe has almost since its very inception in the aftermath of the Second World War held the issues of migration close to its priorities. The right to internal freedom of movement and the right to emigrate are enshrined in the 1963 Protocol 4 of the European Convention of Human Rights. Migrants' rights are protected in many other instruments of the Council of Europe; these include the European Social Charter of 1961 and its 1996 revised version; the European Convention on the Legal Status of Migrant Workers of 1977; the Convention on the Participation of Foreigners in Public Life at Local Level of 1992 and there are many others.

During the 1990s the European Committee on Migration has built its solid reputation on integration of immigrants, community relations and diversity and began working on migration flows with a focus on the migrant human dignity.

Human rights and human dignity of the migrant is the special "niche" for the CoE in the migration agenda: First of all because we are convinced, as the Ministers responsible for Social Security clearly pointed out in Bratislava in May 2002 that immigration is indispensable for Europe. We know that in the medium term countries gain economically and culturally from immigration and that migrants contribute to the sustainability of pension systems in a greying Europe, in other words, that migrants are an important and positive contribution to European societies and not a threat.

But if migration is such a hot issue, it is essentially because of the so-called illegal or irregular migration. As a human rights organisation, the CoE claims that a human being cannot be illegal, only the situation he faces might be. This is one of the rationales behind our Strategy for an orderly management of migration: to explore and open as many legal channels for migration as possible, thereby preventing migrants from finding themselves in an illegal situation or from falling into the nets of traffickers.

The distinctive feature of the Council of Europe is to make sure that the human rights and dignity of the migrant are respected. We always have the person, the individual who is so frequently



forgotten in the 'migration debate' in mind. As stated by the former Secretary General of the Council of Europe at the last Ministerial Conference on Migration "the key words for the migrant are not 'preservation of the welfare state' but economic and social distress and, still too often, persecution, war, human rights violation and political, ethnic and religious conflicts. In an unequal world, all the walls, barbed wires and electronic eyes have a limited impact. Never has a wall prevented someone from hoping for a better life and from migrating to try to realise his or her dream".

The second point of departure of our comprehensive migration strategy is the political acceptance that Europe has become a region of immigration. We know that this is still difficult for some countries to admit but we are all aware that international migration has an impact on the quality of international relations. Therefore it is of utmost importance to put migration on a common political agenda of States of origin, transit and receiving States. Together, they should deal with issues such as human rights, bilateral technical co-operation, irregular migration as well as obstacles to return. Such a dialogue should ultimately aim at creating efficient co-operation structures. From this perspective, a climate of mutual confidence and understanding is would allow the parties to negotiate on an equal footing, using a common language. This is dialogue.

The same concept has been developed in the recent ILO major report "Towards a fair deal for migrant workers in the global economy"), which stresses that "more and more countries are involved with migration, either as origin, destination or transit countries, or all of these simultaneously" and points out the need to act in a multilateral and concerted manner among all concerned states. This again means dialogue.

In our strategy we develop the hypothesis that policies and strategies drawn up by the receiving countries would work better if a closer cooperation and dialogue could be established between the countries of origin, and transit and receiving countries.

Our response to this is a newly created political platform of the Council of Europe on migration which has been set up to promote a real regional dialogue and co-operation on migration between countries of origin, transit and destination. It has so far held two meetings. One of the features of such a political platform, apart from its geographic dimension (45 member States+ several selected countries of origin of migrants), is its regular periodicity of contacts: the fact that it meets twice a year to discuss issues decided by all of the members of the platform is a real added value. (countries invited: Morocco, Tunisia, Algeria, Senegal, Congo, India, Pakistan, Bangladesh, China).

We believe that this dialogue can lead to a constructive and positive approach to the management of migration that would ultimately help the migrants to benefit from a legal framework protecting their basic rights and avoiding exclusion.

With this platform and the proposal to create an agency (which received a very positive support from the CDMG two weeks ago) and behind which we are going to invest seriously over the forthcoming months, we are set to make a qualitative leap in our work in the migration field with the development of a North-South, East-West dialogue and co-operation bringing in partner countries from Africa and Asia.



As a concluding remark I would like to stress that the values to which we at the Council of Europe are committed are the outcome of centuries-long exchange and cross-fertilisation between cultures, first around the Mediterranean and subsequently in and outside Europe. Europe's diversity is its strength, and that very much includes promoting and valuing the culture of the migrant. I know that these values are very much in line with the spirit of the Barcelona Forum.