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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Servas International, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 August 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Migrants: A Challenge for Peace?

Servas aims to promote peace by building a network of goodwill and understanding that provides opportunities for personal contacts among people of diverse cultures, backgrounds and nationalities. Whenever peace is threatened, Servas is highly concerned.

Migration is a form of border crossing, like travelling. However, travelling is seen as a factor of peace promotion, whereas migration is sometimes seen as a challenge for peace.

The Diversity of Migrants

According to the UN Convention on the Rights of Migrants, the term 'migrant' "*should be understood as covering all cases where the decision to migrate is taken freely by the individual concerned, for reasons of 'personal convenience' and without intervention of an external compelling factor.*"¹

The Special Rapporteur of the Commission on Human Rights has proposed that the following persons should be considered as migrants:

- (a) *Persons who are outside the territory of the State of which they are nationals or citizens, are not subject to its legal protection and are in the territory of another State;*
- (b) *Persons who do not enjoy the general legal recognition of rights which is inherent in the granting by the host State of the status of refugee, naturalized person or of similar status;*
- (c) *Persons who do not enjoy either general legal protection of their fundamental rights by virtue of diplomatic agreements, visas or other agreements.*²

The complexity of the definition illustrates the complexity of the issue itself. Massive migratory flows are happening for a diversity of reasons. The term migrant thus integrates people who leave their countries because of political persecution, conflicts, economic problems, environmental degradation or a combination of these reasons and those who do so in search of conditions of survival or well-being that does not exist in their place of origin. Apart from the different motives, forms of migration can also be distinguished according to the legal status of those concerned: irregular migration, controlled emigration or immigration, free emigration or immigration. Besides, variations exist between countries because there are no objective definitions of migration.

Numerous Sources of Challenges

Migrants face numerous sources of challenges that put their lives at risk and violate some of their most fundamental human rights.

THE LIFE OF MIGRANTS AT RISK

In 2016, United Nations High Commissioner for Refugees reported that 17.1 million refugees fled their country of origin to another country.

According to the International Organization for Migration (IOM), 123,400 people have been traveling to Europe through various transit routes across Africa, Asia or the Middle East since the 1st of January 2017 (as of 9 August 2017). 117,938 arrived by sea, and 2,408 of them died in the Mediterranean, mainly on the Central Mediterranean Route (2,242).

Once the migrants reach Europe, the long administrative process starts. There are currently (as of 9 August 2017) 70,243 stranded migrants and refugees in Greece, the former Yugoslav Republic of Macedonia, Serbia, Slovenia, Croatia, Hungary, Bulgaria and Cyprus.

In September 2015, the Justice and Home Affairs Council adopted two Decisions to relocate 160,000 asylum seekers from Italy and Greece, to assist them in dealing with the pressures of the refugee crisis. Under the emergency relocation scheme, asylum seekers with a high chance of having their applications successfully processed (EU average recognition rate of over 75%) are relocated from Greece and Italy, where they have arrived, to other Member States where they will have their asylum applications processed. If these applications are successful, the applicants will be granted refugee

¹ <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/migrant/>

² Gabriela Rodríguez Pizarro, Special Rapporteur of the Commission on Human rights in A/57/292, Human rights of migrants, Note by the Secretary-General. 9 August 2002.

status with the right to reside in the Member State to which they are relocated. The relocations should take place over two years (September 2015-2017), with the EU budget providing financial support to the Member States participating. 3

A LACK OF POLITICAL WILL

However, the European Commission is considering legal action as only 40,000 refugees are set to be transferred by the deadline.⁴ This is due to a waning political will to help migrants arriving in Europe, as well as the lack of trust and mutual cooperation between member states. Some countries did not relocate a single person! The European Commissioner for migration, Dimitris Avramopoulos, called for solidarity and responsibility and reaffirmed that relocation is vital to the success of the migration and asylum policies. Thus, relocation should be implemented by all countries, on an equitable basis.

THE DIVISIONS RELATED TO THE CRISIS

In addition, migrants also face xenophobia and racism, both verbally and physically, emerging from different levels of the civil society.

First of all, the political divide over the refugee crisis and the increasingly aggressive rhetoric are of great concern. Already on 14 October 2015, United Nations High Commissioner for Human Rights Zeid Ra'ad Al Hussein warned that the dehumanizing language used by some European politicians has echoes of the 1938 summit before Holocaust and that some European politicians have descended into "xenophobia and in some cases outright racism".⁵

Very recently, *Génération identitaire*, an extreme right small group, launched the operation "Defend Europe" with the purpose to hinder sea rescues by blocking ONG boats. This goes along with the dangerous tendency to blame ONGs and present them as the source of the problem, although they are actually the solution to it.

The Durban Declaration has recognized that xenophobia against non-nationals, including migrants, constitutes one of the main sources of contemporary racism and that there are frequent and widespread human rights violations against members of such groups.⁶ Racism and antimigrant sentiments are in dire opposition to Servas International's goals to facilitate dialogue between nations and promote international understanding. Interaction between human beings must play an essential role in overcoming cultural barriers, as it is also essential to search for integrational approaches to the crisis and provide practical help.

An Urgent Need to Find Solutions

ADDRESSING THE SOURCE OF THE CRISIS

The source of the crisis lies in the unbearable situations in the countries that migrants flee. Migrants do not challenge peace themselves. On the contrary, they search for more peaceful life. Weapons, on the other hand, are a direct challenge to peace. The very first solution to the migrant crisis is to ensure a state of peace in their countries. Preventing conflict in the first place is the most logical approach that should be followed. Therefore, dialogue between countries is crucial. Addressing this challenge to peace requires the contribution of the whole international community, and more precisely, of the European countries.

COMPLIANCE WITH INTERNATIONAL LAW

The 1951 Refugee Convention is the key legal document of today's international refugee protection.⁷ It recognized the international scope of refugee crises and the need for international cooperation and responsibility sharing among states. Its 1967 Protocol expanded its scope and removed its geographical and temporal restrictions, turning the Convention into a truly universal instrument, as the problem of displacement has spread around the world. It is crucial that the 145 States Parties to the Convention respect their obligations and act accordingly and urgently. They must ensure that their response to dangerous boat migration is fully in line both with international law and place a human rights perspective at the center of efforts to respond to the crisis.

3 https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/20160412/factsheet_relocation_resettlement_en.pdf

4Independent, 16 May 2017 [<http://www.independent.co.uk/news/world/europe/eu-refugee-quotas-160000-italy-greece-failing-european-commissioner-legal-cases-obligations-a7739396.html>]

5 <http://www.unhcr.org/cgi-bin/txis/vtx/refdaily?pass=52fc6fbd5&id=561f4ba55>

6<http://www.un.org/en/letsfightracism/migrants.shtml>

7<http://www.unhcr-centraleurope.org/pdf/resources/conventions/refugee-convention/1951-refugee-convention-questions-and-answers.html>

More recently, on September 19, 2016, the United Nations General Assembly adopted a set of commitments to enhance the protection of refugees and migrants. These commitments are known as the New York Declaration for Refugees and Migrants.⁸ The Declaration reaffirms the importance of the international refugee regime and represents a commitment by Member States to strengthen and enhance mechanisms to protect people on the move. It paves the way for the adoption of two new global compacts in 2018: a global compact on refugees and a global compact for safe, orderly and regular migration. World leaders should now explain how each country will implement these commitments. Refugees, migrants, those who assist them, and their host countries and communities will all benefit if these commitments are met.

Legal mechanisms to protect migrants' inherent rights exist. The challenge now is to strengthen these mechanisms to ensure that fundamental human rights are protected.

Conclusion

Servas reiterates its belief that responsibility for solving the crisis and protecting human rights must be extended far beyond politics. Migrations policies must adopt a human rights approach that places the migrant at the centre of any decision. Migrants must be included in relevant national action plans, including the provision of public housing and national strategies to combat racism and xenophobia.

Servas International will continue to respond to the crisis by promoting peace and understanding through travel and hosting. More precisely, it will encourage the coming together of hosts and travelers of any race, creed, sexual orientation, class/caste or nationality. It will stand strongly against racism, work on integrational approaches and support humanitarian help.

⁸ <http://www.unhcr.org/new-york-declaration-for-refugees-and-migrants.html>