

High-level Dialogue on International Migration and Development, Roundtable 2: Migrants Rights: *Measures to ensure respect for and protection of the human rights of all migrants, with particular reference to women and children, as well as to prevent and combat the smuggling of migrants and trafficking in persons and to ensure orderly, regular and safe migration.*

- Statement by the Government of Sweden

Thank you, Ms Chairperson/Mr Chairman.

The Swedish Government believes that at its heart, **migration is an enabler for development**, affecting outcomes at an individual, family and community level. As a result of migration people may be better able to improve their socio-economic situation, and enhance their ability to access their human rights.

Finding a way to balance the needs and rights of migrants versus the interest and right of states to regulate migration into its territories is a challenge.

Migrants have rights but also responsibilities as they cross borders. **States have a sovereign right to control entry** but they also have **responsibilities to safeguard the protection** of those within their territory.

International human rights instruments exist, and States are responsible for their application at the national level. **Rather than introduce new normative instruments** or structures, it is **crucial that the national legislation** fundamentally **ensures a respect for people's human rights without discrimination**, that **persons acting within an official capacity are trained** and that **adequate resources are granted to safeguard the human rights of all within its territory.**

In Sweden, our policy ensures a fundamental respect for human rights for all persons. However, some groups such as children and refugees are given special consideration in our laws, regardless of legal status.

Vulnerability to trafficking and exploitation increases as a result of irregular migration; therefore it is **important to identify legal migration channels**. The **cornerstone of Sweden's policy** is that all legally residing migrants are met with a principle of non-discrimination **equal to that of citizens** with the exception of voting rights in national elections. That means that **migrants have the same labour rights, access to social protection and the same level of payment as a Swedish worker for the same job**. It also contains a provision to transition to permanent residence status and citizenship.

Our migration policy does not differentiate between a highly skilled and low skilled migrant worker. Sweden believes that the opportunity to contribute to their own socio-economic development should exist for migrants in both cases, and in doing so they also contribute to the development of the host country that they work in, and their country of origin.

In our globalised world, we must **build partnerships that pave the way** not only **de jure** for the **acknowledgement** of rights and protection needs, but **de facto** that **implementation mechanisms at the national level** ensure that **protection is given and human rights are respected and claimed**. Therefore Sweden, as the incumbent chair of the Global Forum, has included a roundtable specifically aimed at addressing empowerment and access to rights for migrants, within its program.

Borrowing from the OHCHR's understanding of empowerment as being *the ability to understand and to claim rights*, let me elaborate by reflecting on the work we have begun in the GFMD Roundtable 3 work stream where this is our central topic.

Awareness of rights does not necessarily lead to the ability to exercise those rights. Although we are born into a world where the majority of states recognize the inherent human rights for each individual, if the rights are not communicated and upheld by states in national legislation, respected by stakeholders, including the private sector, and claimed by citizens and migrants alike, a human rights framework is not implemented.

To access to rights for migrants, we also need to ask: Have **adequate resources been set aside** by governments to **ensure that the laws** (or ratified conventions) **guaranteeing the protection** mechanisms and entitlements **for migrants** can in fact **be implemented**? We consider the responsibilities **of the sending state** and of the **receiving state** towards the migrants within their territory. Have **state officials been trained** to protect and empower migrants; and **have steps been taken to monitor the effectiveness of implementation** including combatting xenophobia? Are there independent bodies that migrants can turn to for redress **without fear of discrimination**?

None of these are easy topics, quite the reverse. The very act of striving towards **empowerment implies a challenge to existing norms and power structures.** It is our hope our discussions here at the High Level Dialogue and within the Global Forum can benefit the work of others interested in promoting improved human development outcomes.