

Intervention of the Office of the High Commissioner for Human Rights

If we are to be true to the terms of the New York Declaration, then the Universal Declaration of Human Rights, the nine core international human rights treaties including the Migrant Workers Convention, and all associated norms and standards, must provide the foundation upon which the global compact on migration is built. Simply put, all migrants are rights-holders; they are entitled to the full range of human rights guaranteed under these universal instruments.

And the inclusion of these universal principles in the global compact must be meaningful. By becoming parties to international treaties, States assume obligations and duties under international law to respect, protect and fulfil human rights. We must guard against the development of a compact that makes only a rhetorical show of support for human rights norms and standards, while at the same time permitting, enabling – or even encouraging – measures that will jeopardise this framework in practice.

Within the New York Declaration, Member States pledged to combat with all the means at their disposal the abuses and exploitation suffered by countless migrants in vulnerable situations.

As co-chair of the UN System's Global Migration Group Working Group on Human Rights and Gender Equality, the Office of the High Commissioner for Human Rights is leading the development of a set of Principles and Guidelines which seek to assist States in their responses to migrants who are in situations of vulnerability but who will not benefit from the protection of refugee law. These Guidelines contain a wealth of detail on actionable commitments which may be reflected in the global compact, including:

- Establishment of practical and effective mechanisms to assess the individual situation of all migrants at borders, ensuring sufficient capacity to identify and refer human rights vulnerabilities
- Guaranteeing that returns processes are consistent with international law, including ensuring that migrants are fully and meaningfully informed of their choices and that consent is given free of any coercion such as the threat of indefinite or arbitrary detention

- Instituting a presumption against immigration detention and developing national plans of action to end the detention of children; and
- Putting in place firewalls to enable migrants in irregular situations to access healthcare services, report crimes and participate in criminal justice proceedings.

From a human rights perspective, it is important to ensure that the rights and circumstances of the human being – the migrant – are at the centre of any attempt to define what would constitute safe, regular and orderly migration. For instance, ‘orderly’ migration should refer to measures that are non-discriminatory and ensure predictability for migrants as well as States. It should not merely operate as a synonym for prevention of movement. Ensuring safe migration must be the underlying premise of the global compact; for migrants, as well as for the communities that they leave behind and those into which they arrive. Safety refers not just to physical security, but more broadly to the proliferation of an environment in which dignity and human rights are ensured.

Lastly: Within the New York Declaration, Member States strongly condemned acts and manifestations of racism, racial discrimination, xenophobia and related intolerance against migrants. The global compact must help us find ways to change the narrative on migrants and migration from one based on prejudice, fear, and misperceptions, to a positive narrative based on evidence, on positive values like human rights, diversity, solidarity, humanity and the contributions of migrants. A human rights-based approach seeks to empower migrants and the communities into which they arrive. It seeks to foster empathy. And in this way it differs from an approach focused only on charity or the simplistic evocation of sympathy.

As the consultation phase draws to a close, the message from this region, with its rich history of migration, must surely be that the overarching aim of the global compact should be consistent with that of the SDGs Agenda; to leave no one behind, and to reach the furthest behind first.