

**34th regular session of the Human Rights Council
10 March 2017**

**Enhanced interactive dialogue on the human rights of migrants in the context of large movements
Comments by Monami Maulik
International Coordinator, Global Coalition on Migration**

Excellencies and colleagues, particularly migrant organizers and civil society friends.

It's an honor to be invited to speak on behalf of civil society and our members of the Global Coalition on Migration. The **Global Coalition on Migration** (<http://gcmigration.org>) is a multi-sectoral coalition of civil society organizations, most of which are migrant-based or migrant-led. These include large regional networks in Europe, Africa, Asia and the Americas, together with labor, policy, and faith-based organizations.

The GCM together with many other civil society organizations - has been actively mobilizing our bases across regions and strategizing for concrete inputs into the upcoming consultations and the subsequent negotiating process towards the adoption of a Global Compact on Safe, Regular and Orderly Migration. We look forward to the opportunity for dialogue today on working towards a genuinely inclusive process.

Migrants today and including those in the context of large movements, are ***facing a human rights crisis at all stages of the migrant journey-***

- ***in their places of origin,***
- ***in transit and at borders,***
- ***in places of destination***
- ***and, often, upon return.***

With inadequate access to regular and safe channels for migration, migrants are pushed into attempting dangerous journeys where they risk exploitation and violence from State and non-State actors.

States militarize and externalize borders in the name of deterring such movement -- deploying policies from push-backs and border closures, to detention (including of families and children), to expedited removal procedures that deny effective access to asylum— and that are punitive and disregard human rights. But that's not all. There is no evidence that fences, border walls, detention and other excessive border control measures are a deterrent – they do not prevent people from attempting as well as succeeding in irregular entry, especially when they are responding to unmet labor demand in destination countries, reunification needs with family members, as well as in seeking international protection.

However, human rights challenges and vulnerabilities migrants face do not result exclusively from the context of large movements, irregular movements, or indeed from movement at all. Migrants are not always “on the move.” They are also people who are residing outside their country of citizenship who often live and work in precarious conditions and face criminalization merely because of their irregular migration status.

Within the current context of growing xenophobia in rhetoric and policies, migrants are increasingly the scapegoats of deeper economic, social and political transitions within many receiving societies. Where discriminatory policing practices lead to profiling based on race or perceived migration status, many migrants and their families live in perpetual fear preventing them from raising their voices, joining trade unions or accessing basic public services.

This fear is well founded, and this is why firewalls are so important to migrants' safety, security, and exercise of basic rights such as access to education and healthcare. Firewalls keep immigration enforcement authorities separate from local law enforcement and public service provision. And yet effective firewalls are far too rare. There are some current developments that GCM is concerned about in both the United States as well as the European Union that would require city officials as well as health care providers, social workers, school administrators and homeless shelters to report undocumented migrants to the immigration authorities.¹

In order to identify promising practices on the protection of the human rights of migrants in vulnerable situations, it is central to recognize that first and foremost migrants are rights holders at all times, whether they are in transit at the border or in any country.

GCM and our civil society partners therefore applaud the ***migrant-centered perspective of the Principles & Guidelines*** on the human rights protections of migrants in vulnerable situations within large and/or mixed movements. This migrant-centered perspective also lends itself to developing practical measures and actionable commitments where civil society also plays a role in monitoring and implementation at the national and local levels.

For this reason, it is essential that the Global Compact process elevate genuine migrant participation. This means that, civil society and particularly ***migrant-led organizations ourselves must be engaged in a sustained and meaningful manner.*** Migrant organizations, should be involved as central actors from the phases of design, development, implementation and monitoring of the Global Compact. ***To this end, the Global Coalition on Migration and civil society partners are actively mobilizing to translate the human rights commitments of the New York Declaration into concrete action.*** With a diverse base of regional members, we see our twin objectives this year as (1) broadening the conversation and access to information on the Global Compact itself and (2) enhancing the capacity of migrant organizations to effectively contribute to the compact process. For many civil society and migrant organizations engaged on the ground, the Global Compact is far removed from their daily experience addressing immediate migrants' rights challenges. It is imperative that the Global Compact process does not leave behind the very communities on the ground that it seeks to address. As such, our coalition members are actively engaged in developing accessible resources and webinars on the Global Compact-- across thematic issues and in a bottom-up process. ***Understanding regional, national and local contexts and existing best practices will be key in identifying the distinct challenges, common issues and actionable solutions in practice.***

¹ General statement from 90 CSOs on the new European Commission Return package:
http://picum.org/picum.org/uploads/file_/CSO%20joint%20statement%20EC%20Return%20and%20Detention%2003%20March%202017_EN.pdf

The Human Rights Council could contribute to the process of development of the global compact by working with civil society, human rights mechanisms, National Human Rights Institutions in the consultation process on actionable commitments and how they can be implemented. The Council can also play a role in encouraging states to incorporate Principles and Guidelines into the Global Compact. Lastly, it is essential to specifically call attention to regularization programs – it is very welcome that regularization was included in list of measures to be explored in the Global Compact Process.

In ensuring that the human rights of migrants remains a central element within the global compact on safe, orderly and regular migration, it is significant that the first of the six thematic consultations will address the “Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance.” However, it also imperative that the ***human rights of migrants be a cross-cutting concern across*** all consultations (at the global, regional and national levels), at multi-stakeholder hearings, in stock-taking and during negotiation of the Global Compact itself.

Concluding Remarks:

Civil society is committed to upholding existing human rights norms and instruments and to raise our concerns to measures in the Compact that would undermine these norms and their implementation-- particularly in the context detention, returns, trafficking and smuggling. In addition, we will proactively offer practical recommendations based in existing member expertise and regional dialogues ***on issues of critical importance to our members including on labor rights, increased regular migration pathways, regularization, firewalls, ending child detention.***

In keeping with the commitments of Member States’ in the New York Declaration while recognizing the realities of current political climates at national and regional levels, it will be strategic to achieve a rights-respecting Global Compact as a foundation for longer-term and graduated timeline of outcomes. The success of the Global Compact process, and of the global migration governance processes it launches, will depend upon the inclusion and engagement of many sectors of civil society, including grassroots migrant-led and migrant organizations and communities.