



34th regular session Agenda Item 3:
Enhanced interactive dialogue on migrants

Joint statement to Human Rights Council
Geneva, 10 March 2017

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Mr. President,

The co-signers of this statement express urgent concern at the increasing trends, in particular among high-income countries, to repel migrants and refugees, including children and others from seeking asylum, or to return them to countries in the midst of violent conflict, or where lack of the rule of law impedes adequate measure of protection and dignified existence.

International law—and the entire framework of human rights—insist that the right to seek asylum be assured, and that the forced return of anyone to a place where they face a real risk of threat to life, persecution, torture, or other grave abuse of rights, and against collective expulsion, be prohibited; these guarantees must be preserved as non-negotiable.

The Agenda 2030 for Sustainable Development and the New York Declaration at the conclusion of the Summit on Refugees and Migrants, both approved unanimously by 193 UN Member States, called for Safe, Orderly, and Regular Migration.

The proposed Global Compact on Migration can offer the means to achieve equitable and effective governance of migration. In this direction, we propose the following foundational principles for the Compact:

1. **Guarantee respect and implementation of** rights that already are defined under international human rights, refugee, labour and humanitarian law as well as at regional

and national levels. We need effective implementation and consistent practice. We need a realistic framework and mechanisms for practical action, not more poetic statements. For example, the universal right of children on the move to best interest determinations in procedures that affect their rights, should be universally guaranteed. In that, the Human Rights Council and other relevant human rights mechanisms should play a key role.

2. **Give full and person-centred attention to the most vulnerable**, including survivors or those at risk of human trafficking, forced labour, violence, persecution, or other trauma. In particular, we must *take care of the children*. Thus, we welcome the report on unaccompanied child migrants¹ during this session of the Human Rights Council. Pope Francis urges us all, “*Let our hearts be attentive and open to the pain of our neighbours, especially where children are involved.*”²
3. **Engage a broad range of stakeholders**, not only States, but also civil society—including faith-based organizations, migrants, refugees and the diaspora. One of the best examples of multi-actor mechanisms was the *Praesidium project* that brought together the Italian government, Italian Red Cross, UNHCR*, IOM* and Save the Children to respond to the various needs and protection rights of children, women and men arriving by boat on Lampedusa.
4. **Set an ambitious but achievable timeline for implementing these mechanisms**. We recommend an SDG* approach of setting clear goals, targets and indicators on a graduated timeline of 2, 5 and 15 years: 2 years for the goals and targets most urgent and immediately achievable, like best interests for children; 5 years for those more difficult, like return and reintegration; and 15 years for full achievement.
5. **Build on previous success**. In the 1980s and 1990s, 70 countries, UNHCR, IOM and many NGOs, including ICMC, worked together to welcome, protect, and integrate two million Southeast Asian refugees, including families, through orderly departure and resettlement programmes. States should update such a process with additional legal pathways, such as humanitarian, labour and student visa, family reunification, and medical evacuation. These mechanisms do not replace, but complement, the pillar of internal asylum processing for those autonomously exercising their human right to flee for their lives from persecution, conflict and systematic abuse of rights.

Thank you.

* IOM = International Organization for Migration; NGO = non-governmental organization; UNHCR = United Nations High Commissioner for Refugees; SDGs = Sustainable Development Goals

¹ *Draft final report on the research-based study on the global issue of unaccompanied migrants children and adolescents and human rights*, A/HRC/AC/18/CRP.2, 13 February 2017.

² Pope Francis, 28 December 2016, Rome, Feast of the Holy Innocents.