

OHCHR intervention in the 'national level' break-out group
Stocktaking meeting for the Global Compact on Migration, 4-6 December 2017, Mexico

We at the UN Human Rights Office are convinced that States need to move from mere positive rhetoric to actionable commitments with a human rights based approach.

In our view, the Compact should encourage States to change the paradigm of migration policies – to move away from approaches which are excessively security-oriented, focused above all on detention and returns... towards a model where the rights of migrants are really central, a model which promotes legal pathways and regularization. We are convinced that punitive policies which push the migrants further into the clandestine sphere are exposing them to more risk from crime and human trafficking.

But even where States are not (yet) ready make that paradigm shift, even within a returns-focused model, there are commitments that they need to make, in line with their existing human rights obligations, as enshrined in international human rights law – such as the full implementation of rights of the child, access to justice, or enjoyment of economic, social and cultural rights. In the context of economic, social and cultural rights, I would like to emphasize the importance of the aforementioned “firewall” principle, i.e., the principle that migrants, irrespective of their status, should have access to health, social and other services without fear that these services would report them to migration authorities.