**34th Regular Session of the Human Rights Council**

**Enhanced interactive dialogue on the human rights of migrants in the context of large movements**

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**Statement delivered on behalf of the UN High Commissioner for Human Rights by Ms. Peggy Hicks, Director of the Thematic Engagement, Special Procedures and Right to Development Division, Office of the United Nations High Commissioner for Human Rights**

In the **landmark New York Declaration** last year, Member States acknowledged a shared responsibility to govern the movement of migrants in a manner that fully respects the obligations of states, and to **protect the human rights of all migrants as rights-holders**, regardless of their status.

Member States also committed within the New York Declaration to craft a global compact on migration that would set out a range of principles, commitments and understandings on international migration in all its dimensions.

The New York Declaration is **a human rights-based commitment *to* people on the move**. It contains over 100 explicit references to human rights including concrete commitments to uphold international human rights law and other relevant standards. Our main challenge going forward is to translate the aspirational words of the New York Declaration into a concrete plan of action.

We stand now at the cusp of that concrete plan; the beginnings of a 2-year process to develop a global compact on safe, regular and orderly migration. We have committed to develop this compact within a process that is under United Nations auspices and that therefore upholds the values and principles of the UN Charter. It is a process that while recognising the important primary role of states as duty bearers, is multi-stakeholder, participatory and transparent.

To be true to the terms of the New York Declaration a **human rights thread** should be woven in the overall process of negotiating the global compact on migration. To ensure this happens, we have to address the following:

* **Give migrants access to the stage**. From a political life perspective migrants are all too often invisible – and therefore do not count – they do not speak up, they do not vote – there is no political incentive to reckon with them. That invisibility enables the topic of migration to be hijacked: for the many stereotypes and lies about migrants and migration to go unchallenged. The global compact process offers an occasion to make their voices heard. **It cannot be about them, without them.**
* All human rights instruments are premised on the principle of **non-discrimination**, includingamong migrants – all migrants, regardless of their status, have human rights and we should **focus protection and promotion efforts on those who are most vulnerable, marginalized and excluded**.
* **Respecting human rights throughout the migration cycle is not only a legal requirement, but also a smart thing to do** – excluding migrants from health, education, political systems, or, worse, putting them in arbitrary detention or refusing them access to justice, ultimately increases the costs for transit and host countries alike as well as migrants themselves.

While there is an international legal framework protecting the rights of all migrants, a significant knowledge-gap has been revealed on the human rights standards for migrants in vulnerable situations, and on how States and others can operationalize those standards in practice.

That’s why the Global Migration Group, in an initiative co-chaired by OHCHR and UN Women, and through an open, multi-stakeholder process, is developing a set of *principles and practical guidance on human rights protection of migrants in vulnerable situations*, as recognized in the New York Declaration itself.

These guidelines will assist States and other stakeholders to develop, strengthen, implement and monitor measures to protect the human rights of migrants in vulnerable situations, **including measures to ensure alternatives to immigration detention, safeguards in ensuring screening and identification of vulnerability in the context of reception and what the best interest of the child means in the migration context**.

We have been requested by the Council to present a progress report of these principles and guidelines to this session, and will be hoping to integrate them into the global compact process.

The first informal thematic session of the global compact will be devoted to the issue of “the human rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance”.

It will take place on 8/9 May in Geneva, and OHCHR will ensure, along with partners in the UN System that all thematic sessions are human rights-based, migrant-centred and action-oriented. [The consultation phase of the global compact is an important opportunity to develop evidence and value-based arguments on why we should and how we can protect the human rights of all migrants within this compact.]

My office, and all of you, will be investing substantially in the compact process. We must make that investment meaningful. It is critical that the **compact does not make a rhetorical show of support for human rights principles, while at the same time enabling action that will jeopardise this framework in practice**.

We are seeing today across the globe attempts to undermine human rights safeguards in regard to practices of immigration enforcement, often on the basis of scant evidence but rather to appease fearful public opinion. Efforts being made to enhance the capacity of states to detain women, men and child migrants for administrative reasons regardless of the devastating effect of this detention, measures to increase returns (whether these are forced or ostensibly voluntary) with little regard for the human rights consequences of tearing families and communities apart or indeed regard for the simple fact that unsustainable returns will lead to more precarious migration, not less.

”No one has asked to hear my story”, a young man from Cote d’Ivoire told an OHCHR team in Italy shortly after he was rescued, “I watched my brother drown as we tried to leave Libya. I have gone through hell to get here.”

The international community has an unprecedented opportunity in the next two years to come together to hear the stories and learn from the experience of migrants, to build a global compact that provides safe, rights-respecting migration, and to ensure that future generations are spared the hell of desperate, precarious journeys.