

Global Compact for Safe, Orderly and Regular Migration¹
Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance

The first of six informal thematic sessions will cover “Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance”. It is scheduled for 8 - 9 May 2017 in Geneva. The sessions were set out in the resolution on the Modalities for the intergovernmental negotiations of the Global Compact for safe, orderly and regular migration adopted on 6 April 2017 in NYC.

Germany holds the following positions regarding this session of the Global Compact for safe, orderly and regular migration:

1. The Global Compact should reaffirm and build on the commitments of the **New York Declaration**, demonstrating full respect for international human rights law and recognizing states' obligations to work towards a life in dignity and safety for all, especially the most marginalized.
2. States must protect the **human rights of all migrants, regardless of their status and nationality**. Dedicating the first of six thematic sessions to human rights is important, as it underlines the need of human rights mainstreaming in all policy areas. Securing human rights of all migrants must be a top priority, along with tackling the root causes of irregular migration.
3. The human rights of migrants who belong to **vulnerable groups** or are in an especially vulnerable situation require special attention and protection. These may include women, children – especially unaccompanied minors –, persons with special needs, LGBTI persons and persons belonging to other groups facing violence or discrimination, including discrimination based on intersectionality. Governments have a special responsibility towards migrants who were victims, or are at risk, of human rights violations or abuses in, respectively, their countries of origin, transit or destination, including victims of trafficking in human beings.

¹ Referred to as „Global Compact“ in this document.

4. A gender perspective needs to be mainstreamed into all measures and commitments. Migration policies shall contribute to tackling the multiple and intersecting forms of gender-based discrimination and combatting all forms of gender-based violence.
5. The commitment to protecting the human rights of migrants cannot be limited to those who reach the territory of a specific country. There is a **shared global responsibility to respect, protect and fulfil human rights** worldwide without discrimination on any ground. When dealing with migrants, a close cooperation between countries of origin, countries of transit and countries of destination is necessary.
6. The risk of migrants suffering human rights abuses or violations during their journey – e.g. in the hands of human traffickers – is significantly higher in irregular migration movements, particularly for women, children and persons with disabilities. Scaling up opportunities that offer **safe and legal paths of migration** are therefore an important contribution to reducing these risks and deterring migrants from following dangerous paths. States should strive for a **fair burden-sharing and shared responsibility** to manage large movements of migrants and highlight the need for close cooperation among states of origin, transit and destination, including tackling the root causes of irregular migration. Humanitarian admission can play an important role in this context, especially for human rights defenders and others facing imminent threats. Governments are encouraged to analyze and compare existing programs in order to identify factors that minimize human rights risks.
7. **Border management** must take into account legitimate interests in security and in organizing migration and integration in a successful way. At the same time, it must always be carried out in full respect of international human rights law and standards, respecting the principles of non-refoulement and non-discrimination. Nevertheless, these standards do not lead to a human right to irregular migration.
8. Domestic legislation should ensure that **administrative sanctions applied to irregular entry** be **proportionate and reasonable**. At

the same time the right of all persons to leave any country including their own must be respected.

9. Creating **awareness of the benefits of a well-managed migration as well as its potential** and acknowledging the integration capacity of countries of destination is important in order to boost society's willingness to accept further regular migration. Through remittances and other mechanisms, the countries of origin can also benefit.
10. To maximize the benefits and minimize the risks of migration, a **fast integration** of regular migrants is desirable. For this, inclusive access to education and the labor market is of paramount importance. All measures targeted at integrating regular migrants need to be drafted in with the meaningful participation of the migrants themselves, providing programs that reflect the community's needs and cultural identity.
11. **Basic services** – including health and education – need to be made available and accessible to all migrants, irrespective of their legal or other status.
12. Any decision on the **legal status of migrants** must take human rights aspects into consideration, and be based on due processes. This includes giving special protection to children and other vulnerable groups. Gender specific grounds for migration need to be recognized. Whenever possible, families must be given a chance to be reunited. Every effort must be made to reunite unaccompanied children with their families when it is in the child's best interest. There must be functional complaints mechanisms in place guaranteeing a fair review of decisions.
13. **Civil society** plays an important role in promoting human rights in migration. Governments should value human rights defenders and other representatives of civil society, including representatives of migrant communities, as important partners. Their active participation should be encouraged and sought.
14. Governments commit to promoting the **values of diversity, gender equality and human rights**. They enhance efforts in combatting racism, xenophobia and other forms of group-based intolerance and discrimination, also taking into consideration the risk of subconscious or structural racism. They develop

comprehensive strategies to actively promote equal access to all services and a positive view of diversity. Functional complaints mechanisms are necessary to help those confronted with discriminatory practices, for example in the area of law enforcement. An inclusive educational system plays a key role in a long-term strategy to change general attitudes.

15. The collection of **disaggregated data** on the human rights situation of migrants is considered to be of great importance, including for **monitoring and accountability**, while ensuring the right to privacy and protection of personal data.