



Input Jille Belisario

Multi-stakeholder Hearing High-level Plenary Meeting on addressing large movements of refugees and migrants

Panel 4: Achieving a Global Compact for safe, regular and orderly migration

Questions for the panellists

a. How can understanding the root causes of forced migration and displacement inform responses to refugees and migration, including by developing comprehensive and coordinated efforts?

I would like to take up to what H.E. Mr. David Donoghue mentioned on the role of Civil society which is challenging the views. Taking that as an entry point and working towards an analysis and understanding better the root causes of forced migration and displacement we need to have an open and honest dialogue on development issues (poverty, economic inequality and, climate change) and its correlation with conditions that create or exacerbate large movements of migrants and refugees. Although we are referring to the 2030 SDG, I think that this is not sufficient. Realizing that we need to move forward I would like to challenge and push for policy coherence. In our analysis on root causes we need to look at recommendations of civil societies engaging with other UN agencies and working in the areas of development. An example is the civil society working on the current framework of extraordinary privileges and impunity enjoyed by transnational corporations.

Which is an open-ended intergovernmental working group with the mandate to elaborate an international legally binding instrument on Transnational Corporations and Other Business Enterprises with respect to human rights." Which was adopted At the 26th session of the UN Human Rights Council in Geneva. Where discuss the current framework of extraordinary privileges and impunity enjoyed by transnational corporations.

In relation to migration policies we would like to put here in the dialogue and ask attention to the role of Private Military Company and Private Security Company in shaping migration policies and how these corporations are actively encouraging a growing securitisation of Europe's borders.



Questions for the panellists

b. How can we strengthen international cooperation related to issues of migration and displacement so that all migrants are afforded adequate support under a coherent global strategy?

We need to take migration as a fundamentally human phenomenon. Governance is an important concept in relation to migration and human rights, not least because migration is a phenomenon involving a wide range of actors including, but not limited to, states. It presents an important counter-balance to the concept of “management”, which could be seen as more concerned with control or even containment of migration. While human mobility has become more global and frequent, traditional distinctions between voluntary, forced, regular or irregular, temporary, seasonal or long-term and permanent migration have become less clear-cut. This leads to an increasingly compelling argument to address the rights of all migrants in a holistic way, regardless of their motives for migrating and their legal status, while at the same time reinforcing the protections that have been built up in relation to specific groups.

However it is also important to keep in mind that, without consideration of international human rights law which applies to everyone, such fragmentation or compartmentalization of different categories of migrants may be counterproductive to the purpose of ensuring the human rights of all migrants. For example, a complex issue regarding the rights of people crossing borders stems from the increasingly blurred distinctions between forced and voluntary movement. While in principle they are normatively located in distinct legal categories, in practice refugees, asylum seekers and migrants (including irregular migrants) often move and live in similar physical spaces and are likely to have similar human rights needs, such as in relation to their right to health or to freedom from arbitrary or prolonged detention. Furthermore, a strict “categorization” approach to the human rights of migrants is complicated by the cross-cutting nature of these categories; migrant workers, refugees, trafficked persons and smuggled migrants can also be migrants with disability, children, pregnant women and women who have suffered sexual and other forms of gender based violence, migrants, stateless persons, minorities and indigenous migrants, lesbian, gay, bisexual and transgender migrants, and victims of torture. Many migrants will be or may become vulnerable on more than one ground, and may have suffered abuse of more than one type.

Migrants will pass through varying legal categories during their journey, particularly when migratory journeys are long and hazardous. In the reality of contemporary mobility it can be difficult to neatly separate out distinct categories of people. Accordingly, while the international legal obligations of States to guarantee universal human rights to all human beings subject to their jurisdiction may be clearly provided in law, the reality for many migrants may be very different. An important challenge is thus effective implementation and monitoring of the complex jigsaw of normative standards relevant to migration in order to ensure complementarity and coherence. Recognition of the universality and indivisibility of human rights, in tandem with an appreciation of the growing complexity of international migration, could help forge a new consensus on the issue of migration and human rights.



c. How can civil society, the private sector and academia contribute to the preparatory process for the “global compact for safe, regular and orderly migration”?

Towards moving forward and envisioning the future of governance of migration and organising principles that lay out for a multi-stakeholder governance system. I would like for us to reflect on what intergovernmental decision-making with a system of multi-stakeholder governance, mean for democracy, accountability and taking as migration as a fundamentally human phenomenon and human rights framework as a normative framework?

Just want to share these questions of reflection on issues at stake. These criticisms of this new global governance proposal have been actually raised in UN official meetings, in scholarly writings, and in statements made by leading members of civil society and social movements. In current debate one hears eight cutting-edge issues and concerns related to multi-stakeholder global governance groups:

- how are the categories of actors selected or excluded;
- how do MSGs address the inherent power balance between actors;
- who selects the organisations and individuals to represent each participant category;
- what are the correct standards – or should there be standards – to select appropriate institutional participants for each category;
- what are the de facto terms of reference for the group;
- where does the cash involved come from and go to;
- what is the internal decision-making process for the multi-stakeholder group; and
- what are its external obligations.

Final Comment

A human rights-based approach to migration brings the treatment of migrants as human beings to the forefront of all discussion and programming on migration, underlined by the fundamental principles of non-discrimination, empowerment, participation and inclusion, and accountability.

For that I would like to refer Respect, protect, fulfil: the scope of human rights obligations

RESPECT – States must refrain from interfering with enjoyment with the enjoyment of human rights

Protect – States must prevent private actors or third parties from violating human Rights

Fulfill- state must take positive measures to ensure the realization of human Rights

