

DRAFT Statement on 12 July Outcome Document Draft
Global Coalition on Migration
Prepared for Civil Society session with Co-Facilitators, 20 July 2016

My name is Evalyn Tennant and I am speaking today on behalf of the Global Coalition on Migration, a global, multi-sectoral coalition of civil society organizations supporting migrants' rights and rights-based migration governance, as well as Global Migration Policy Associates, the GCM member organization I represent.

On behalf of the Global Coalition on Migration, I would like to thank the Co-facilitators for their work and especially for providing opportunities such as this one for civil society organizations to contribute to the process.

The Global Coalition on Migration believes that the focus of migration governance must be on migrants—the women, men and children who move—rather than simply on migration as a policy area that States must manage.

We were therefore very pleased to see, first in the Secretary General's report and now in the draft Outcome Document, the commitment in paragraph 1.12 to "reaffirm and fully protect the human rights of all those who leave their countries, regardless of status" and to "recognize that all refugees and migrants, regardless of status, are rights holders," as well as that Member States' "response is grounded in full respect for international human rights law and, as applicable, international refugee law and international humanitarian law."

However we suggest that if this were true, there would be less focus on return and readmission; we are especially concerned with the reference to involuntary return in 3.15, and note that *non-refoulement* is a principle of customary international law.

Furthermore, while recognizing that States have the prerogative to determine who may enter and stay in their territory, we question whether current State practices of deterrence-- of keeping people out and of returning them, especially involuntarily-- is consistent with the important stated commitments to combatting racism and xenophobia and to "changing the narrative" to emphasize the positive contributions migrants make to societies of destination as well as origin.

On the contrary, preventing regular entry, criminalizing irregular entry and detaining migrants who enter or stay without documents can only contribute to the demonization of migrants, refugees, as well as others assumed to be migrants or refugees. This is intensely counterproductive to combatting racism and xenophobia and achieving the social cohesion and integration that we all seek.

We would also ask that the statement "Refugees and migrants are distinct categories of persons" be removed. People with refugee status are afforded different protections from other migrants. Let's not talk about "categories of people," which suggests invidious distinctions rather than elucidating qualifications for international protection—especially since the next paragraph includes a figure of 244 million migrants which in fact includes *both* migrants and refugees, people residing in a country other than that of their birth or nationality. In addition, the fact of the matter is that actual human beings often change status in the course of transiting or residing outside their country of birth and nationality, as well as that those in either category in large movements require protection.

[End of two minute statement as read on 20 July]

Regarding the process of negotiating a Global Compact on Safe, Regular and Orderly Migration: Addressing the key challenges for migration governance will require States to take *collective* action for their collective and individual benefit, and for the benefit of migrants and their communities. It is essential that the facilitators' mandates be carefully considered so as to achieve the Compact's aims. The stakes are too high to rush into a process just to get it completed on time without considering how the process will be institutionalized and how all relevant agencies and stakeholders will be incorporated.

This process should

- Be based inside the UN;
- Provide a strengthened and more coherent institutional framework, minimally including leadership from OHCHR, ILO and IOM;
- Be grounded in existing international law, including human rights and humanitarian law and labour standards;
- Be part of a multi-stakeholder process that
 - includes civil society and migrant organizations in particular;
 - includes a process of national and then regional consultations;
- Provide implementation and operational guidance.

We believe that the similarity in language and mandates described in 3.6 on the GMG Working Group on Human Rights, Gender and Migration Principles and Practical Guidance and the 3.10 on the Member States' aims for the negotiating process suggest the relevance of the GMG Working Group to the facilitation process.

Thank you for your consideration.

[3.6 We [The Member States] welcome the work done by the Global Migration Group to develop principles and practical guidance on the protection of the human rights of migrants in vulnerable situations within large and/or mixed movements.]

3.10 We [The Member States] will develop guidelines, in accordance with the existing rules of international law, on the treatment of migrants in vulnerable situations who are not in need of international protection as refugees and who may need assistance. These could be developed using a State-led process with the involvement of all relevant stakeholders.]