

OHCHR: Statement on the Adoption of the Global Compact on Migration

The world has spoken at Marrakech: All migrants, regardless of their status, and wherever they find themselves, are human beings with human rights.

Here in these halls, assembled with the vast majority of UN member states, representatives of civil society from all corners of the globe, private sector representatives, mayors, experts and migrants themselves, we have drawn a line:

A line between the abusive, chaotic, and ultimately failed approaches to migration of the past and a new human rights-based vision for the safe, orderly and regular movement of people.

A line between fear, myth, distortion, and prejudice on the one side, and facts, evidence, and our human rights values on the other.

And a line between those who would confront migrants with walls and barbed wire and pushbacks, and an enlightened international community that instead has embraced international cooperation, expanded pathways for safe migration, human security, and human dignity.

In drawing this line, the United Nations has charted a course away from a failed paradigm of migration policy that in recent years has left migrants to drown at sea or die in the desert, destabilized governments, fed self-destructive securitization, wasted resources, and violated the human rights of millions of migrants.

And, importantly, the drawing of this bright red line has proven that, contrary to the assumptions of many, multilateralism still works, even –especially— for the most sensitive issues confronting countries today.

But the clear and explicit message of Marrakech is also this: while the Compact itself is non-binding, migration is subject to international law: international human rights law, international humanitarian law, international labour law, and the law of the sea.

To that end, the Compact has reaffirmed key human rights obligations already codified in international law and embraced by the community of nations.

A requirement that the Compact be implemented in a manner fully compliant with these legal obligations.

That states should move toward the decriminalization of migration offences, since merely being out of migration status cannot be reasonably viewed as a crime against persons, property, or national security.

That detention must no longer be seen as an ordinary tool of migration governance, but rather may be used only as an extreme measure of last resort, with specific procedural safeguards, due process in every case, expanded alternatives to detention, and an end to child detention.

That migrants in vulnerable situations must be identified, supported, and protected, whether that vulnerability results from personal status like gender, or ethnicity, or age, or disability or other status, or from situational vulnerability emerging from what has happened to them at places of origin, transit, at borders or at their destination.

That no human being, regardless of their migration status, may be denied food, or shelter, or water and sanitation, or the healthcare they need, nor exploited by abusive labour practices or sexual abuse.

That those in need of rescue must be aided, and that those who assist them are heroes, not criminals.

That any involuntary returns must only occur after an individual, human rights-based assessment, respecting the prohibition of collective expulsions and the principle of non-refoulement.

And that voluntary returns must be based on free, prior and informed consent.

That all migrants are entitled to due process in considering their claims, including individual assessments, human rights-based screenings, legal assistance, and proportionality in the disposition of the case.

And, loudly and clearly, the Compact identifies xenophobia and all forms of discrimination and hate speech against migrants as an affront to our universal values, and a scourge that must be combatted.

In drawing this line, the United Nations remained true to its founding principles, and has come down boldly and unapologetically on the side of dignity, the side of humanity, and the side of human rights.

Now, as we move to implementation, the United Nations system is poised to help.

OHCHR, working through the GMG, has provided detailed guidance on the protection of migrants in vulnerable situations, as well as guidance on protecting human rights at borders—and both tools have been explicitly referenced in the Global Compact.

We are providing assistance on protecting and reducing vulnerabilities for migrants, on combatting hate speech and xenophobia, on countering misinformation and distortions about migrants, and on effective and humane border management.

We will do our part.

Because, make no mistake, this is a struggle with two sides.

We, 70 years after the adoption of the Universal Declaration of Human rights, have chosen to be on the right side of history-- on the side of humanity, and on the side of human rights.

And here at Marrakesh, in adopting this Compact, you too have taken a side—the right side, and for this we thank you, and we stand with you.

Thank you.