UN Global Compact for Safe, Orderly and Regular Migration - EU Statement

First informal thematic session on Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia, and intolerance for the UN Global Compact for Safe, Orderly and Regular Migration - EU Statement Geneva, 8-9 May 2017

CHECK AGAINST DELIVERY

Panel 1: Protecting the human rights of all migrants

The EU and its MS welcome that the first preparatory thematic session is specifically devoted to human rights of all migrants. The EU will also actively work to ensure that human rights are mainstreamed throughout the Global Compact.

We recall the core international human rights treaties and that States must fully protect the human rights of all migrants, regardless of their migratory status. We should pay particular attention to addressing the specific needs of migrants in vulnerable situations, including women at risk, children, persons with disabilities, persons who are discriminated against on any basis, victims of violence, and victims of trafficking.

Let me highlight the need to protect the human rights and fundamental freedoms of all migrant children, regardless of their status. The best interests of the child shall be a primary consideration in all actions concerning children, including unaccompanied children and those separated from their families, in accordance with the Convention on the Rights of the Child and its Optional Protocols. For the sake of every child, we need to strive to provide migrant children with a nurturing environment for the full realization of their rights and capabilities. Children need to be protected from all forms of violence and exploitation such as child labour, child early and forced marriage as well as child trafficking. We should promote their right to be heard. The widespread phenomenon of missing migrant children also needs to be addressed.

Further, we must ensure the mainstreaming of a gender perspective: promote gender equality and the empowerment of all women and girls, tackling the multiple and intersecting forms of
discrimination against migrant women and girls, combatting all forms of violence, including trafficking for the purpose of sexual exploitation. This is also to address sexual and gender-based violence against women, men, girls and boys and to meet their gender-specific psychosocial, health, and other needs.

We need to ensure, as appropriate, access to basic services for migrants, in particular access to education, health care, justice, and language training.

We would like to recall the obligation of all States as enshrined in international law to accept the return of their nationals, call upon States to cooperate towards that end, and facilitate the return of their nationals who do not have a right to stay on other states' territory. These returns and readmissions must be carried out in full compliance with international law, including international human rights and international refugee law and in particular the principle of non-refoulement as established by the 1951 Refugee Convention, in a safe and humane manner. A human rights-based approach demands full respect for human rights and dignity of the returnees, the prohibition of collective expulsion and ensuring fair standards and procedures of return, and respect of the right to effective remedy, as well as access to information about rights and obligations. This includes access to legal support, translation, interpretation and counselling services.

We need to ensure that deprivation of liberty is only used when less coercive measures are not sufficient to achieve the legitimate objective. At the same time, we should promote improved conditions of administrative detention for detained migrants and the use of alternatives to administrative detention. In particular, we need to recognise the negative effects that the administrative detention has on children. Bearing in mind that in some exceptional cases detention of children might occur for the purpose of determining migration status, we need to ensure that the deprivation of the liberty of migrant children should be a measure of last resort, for the shortest possible period of time and in a manner that takes into account, as a primary consideration, the best interests of the child. We should increase the focus on alternatives to administrative detention, as to ensure a viable range of appropriate alternatives to the administrative detention of children in migration.

In conclusion, we need to ensure that human rights are at the centre of all policies addressing large movements of migrants. At the same time, it is important to recognize that States have rights and responsibilities to manage and control their borders, as an important element of security for states, in conformity with applicable obligations under international law.

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