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Newcastle University welcomes the opportunity to present the findings of [research conducted at our institution](#) before the UN Member States and the Co-Facilitators of this Third Thematic Session. Newcastle University is a research-intensive institution in the UK Russell Group and a world-class civic university with a vision to put academic knowledge, creativity and expertise to the service of individuals, organisations and society as a whole.

Despite the long standing recognition of international cooperation among UN Member States as a necessary prerequisite for the satisfactory solution to the plight of displaced persons, its actual implementation remains a complex issue. One of the expressions of international cooperation among UN Member States is the adoption of international agreements that implement the “safe country” concepts, whose lawfulness is presumed on the grounds that human rights protection has already been found or can be found elsewhere. Scholarly debates on the “safe country” concepts have focused on “effective protection” and on the requirements for a country to be considered safe, but they have not questioned the lawfulness of the premise on which these concepts are based, namely, that the only obligation of States towards unlawfully present migrants is to ensure that the country they remove them to is safe. The findings of Newcastle University research challenge this presumption and argue that the analysis of the international cooperation of States needs to be grounded on a holistic approach to the rights of migrants under international law.

The starting point for a discussion on the way in which States may reach international agreements among themselves in relation to the protection of unlawfully present migrants must be the acknowledgment that States’ international obligations towards migrants include the full range of internationally-recognised human rights and the commitment to guarantee those rights. The system should therefore articulate the separate nature of the obligations that States have towards migrants from the obligations that States may acquire towards each other within international agreements, as these two sets of obligations are of a very different legal nature. The system established should include a clear rejection of the application of the “safe country” concept in relation to States outside the agreement. A unilateral application of the “safe country” concept in relation to other States in absence of their agreement to guarantee the application of international human rights law, may result in human rights violations and be further compounded by the lack of accountability that results from States acting outside well-established legal systems. If States are to comply with their international human rights obligations, including the right to an effective remedy, it is essential that the system enshrine a robust right of judicial appeal and that no forced removals take place while the judicial body is considering the merits of the claim. A further essential element of any such agreement needs to ensure that if the system aims at allocating responsibility to one State only, the decision made by that State must be recognised by all other State Parties to the agreement. The establishment of such single system should result in the mutual recognition of positive decisions among all State Parties to any such agreement, which in turn should lead to the recognition of a right to freedom of movement for migrants (as is already the case under European Union Law).

Although developments in the last few years seem to suggest that international human rights monitoring bodies do not reject the application of the “safe country” in principle, the safeguards that this body of jurisprudence has developed so far suggest that in practice the duality of relationships that these agreements speak to (among State Parties and between each one of them and a given non-national) makes it very difficult for any international agreement of this kind to meet the standards derived from international human rights law.