

Global Compact for Safe, Regular and Orderly Migration
Statement by the Office of the United Nations High Commissioner for Human Rights (OHCHR)

<u>5th informal thematic session:</u>	Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims
<u>Panel 4 (5 September 2017):</u>	Summary

Madame / Mr. Moderator,

As we have heard throughout this meeting, too many migrants are exposed to human rights violations as they move in search of a better, safer and more dignified life to human rights violations.

It is therefore of paramount importance that gender-responsive and human rights-respecting policies and practices are put in place to allow victims to be identified at an early stage and to encourage them to come forward without fear.

Measures should be designed to ensure that they do not cause re-traumatisation. For instance, immigration detention can have life-long physical and mental health impacts and entails the risk of re-traumatising smuggled migrants and trafficked persons. Children should never be detained.

States also have a clear obligation under international law not to return anyone to a place where they might face serious human rights violations. This applies of course to all trafficked persons and smuggled migrants. Return should not expose migrants to an agonising choice between harm at home and the risk of having to undergo new cycles of precarious migration.

Protecting and promoting the rights of migrant victims of crime and human rights violations depends in large part on the ability of States to appropriately identify them.

But people would be reluctant to do so if they fear reprisal from abusive smugglers and traffickers, or detention and deportation. It is crucial that effective firewalls are established between immigration enforcement and criminal justice authorities. The draft principles and guidelines on the human rights protection of migrants in vulnerable situations prepared by OHCHR and the Global Migration Group are a useful resource in this regard. They could be an important benchmark for the global compact, as they are based in existing normative standards.

The global compact must reaffirm and support the considerable efforts that are currently ongoing within the UN System to end trafficking in persons, and to ensure protection and promotion of the human rights of all victims of trafficking. There is no need to re-invent the wheel here.

The global compact must recognise and take action on the crucial need for considered, holistic and rights-based migration policy as the only solution to the complex crises we see at borders, transit and destination today.

People who are desperate to move, who are pushed out of their homes and communities by conditions too undignified to endure, will find ways to make their journey happen, in the absence of regular pathways.

Using the services of smugglers will often be just one of the many calculated risks that vulnerable migrants have to take. The global compact must ensure that all smuggled migrants, regardless of their legal status, are able to access the protection and support that they need.

It must be clear about the harmful impact of some counter-smuggling measures that themselves further push migrants and trafficked persons into the shadows, away from protection and safety.

There are no quick fixes.

Thank you.