



Response July 17th, 2018

Civil Society & the Global Compact on Migration

On 9th July, 180 civil society groups active in the field of migration issued a joint statement ahead of the sixth and final round of discussions on the Global Compact on Migration (GCM), due to take place in New York. This followed 18 months of negotiation stressing the need for states to adopt a comprehensive approach to human mobility and for enhanced co-operation globally. It is interesting to note that the bulk of the issues raised in the statement by the 180 organisations have a strong resonance with the official Roman Catholic position.

Among the most important issues which the organisations asked the negotiating states to be vigilant about are the following:

- **Regular vs irregular:** The statement insists that the GCM should not make a distinction between regular and irregular migrants, on the principle that everyone, regardless of status, is entitled to human rights and certain freedoms. Recently, a group of American bishops said that the rights of refugees and migrants were not an issue of political expediency or status, but were based on dignity.¹ To introduce a 'regular vs irregular' distinction would undermine this principle and would also violate international human rights law. At the UN, Archbishop Bernardito Auza on behalf of the Holy See made the following comments: *'All persons, regardless of their migration status, enjoy the same human rights and have the same fundamental freedoms. All States have the obligation to respect, protect and fulfil the human rights of all, without discrimination. While we recognize the sovereign right of States to determine national migration policy and to distinguish between regular and irregular migration status, they must do so in accordance with international law. For this reason, my Delegation is deeply concerned by the deletion of services under Objective 15, specifically to "shelter, health, education and justice." These services represent the minimum that all States must provide, as a matter of international obligation. While States may determine the level of additional service provided, they cannot deny any individual these specific services. By deleting this listing, we give States the option to undermine the human rights of migrants, who are first and foremost human beings.'*²
- **Non-refoulement:** The GCM must explicitly mention the principle of non-refoulement, which prohibits returning a person to a place where her/his life would be in danger. Again Archbishop Auza commented: *'Throughout the revised draft, the phrase "humanitarian protection" has been removed, replaced, or heavily qualified. Similarly, the term "non-refoulement" has been deleted from the text even if an approximation of this principle remains. It is our firm position that the provision of humanitarian protection and respect for the principle of non-refoulement are obligations that all States have under international law and that, in specific circumstances, these principles can and do apply to all migrants, regardless of status. For this reason, they must be adequately reflected in the final draft.'*³
- **Vulnerable situations:** The GCM must address the situation of vulnerable migrants, and it must not weaken protection for victims of natural disasters and climate change, who are not adequately addressed in the Global Compact for Refugees. In this regard Archbishop Auza added: *'My Delegation welcomes the concrete measures included to address slow and sudden-onset disasters, in particular, the inclusion of protection and adaptation measures, as well as the emphasis on joint analysis and the sharing of information. Common strategies and solutions that build resilience and provide those affected with regular*

*pathways for migration are crucial. These actions begin to address one of the main protection gaps that exists internationally.*⁴

- **Right to privacy:** The final document must protect migrants' right to privacy of personal information. Otherwise, the GCM risks preventing them from accessing certain social services and discouraging them from participating in data-collection efforts, which are vital for migration management.
- **Criminalization of migrants and those who assist them:** The GCM must avoid all provisions and language that criminalize either migrants crossing an international border in search of safety, or people and organizations that support them.
- **Detention of migrant children:** The GCM must include provisions against the practice of detaining migrant children by explicitly mentioning the availability of non-custodial and community-based alternatives. The Holy See had this to say on this matter. *'We also welcome the inclusion and added emphasis on the right to family unity and to family life, particularly in Objective 5. The family is the fundamental unit of society. It is at the heart of human development and social stability. For this reason, actions must be taken to promote and ensure the integrity of the family. Family separation is never in the best interest of the State nor of the child. Alternatives exist and many States have already eliminated this practice. The current formulation in the draft, while not ideal, reflects this common understanding and should be preserved.'*⁵
- **Implementation, review, and follow-up mechanisms:** The Compact needs robust implementation, review, and follow-up mechanisms to ensure accountability and transparency in achieving its goals. Civil society organizations ask for a fully mandated partnership role in implementation and monitoring the GCM.⁶

While welcoming the achievements made thus far on the GCM, Archbishop Auza reiterated earlier reservations of the Holy See. *'[E]ach objective, commitment, and action in the Compact must be carefully negotiated and included only where consensus is possible. For this reason, my Delegation reiterates its call for the deletion of broad references to the Global Migration Group Principles and Guidelines in paragraph 23(l), the OHCHR Principles and Guidelines in paragraph 27(g), and the WHO Framework of Priorities and Guiding Principles in paragraph 31(e). Including these guidelines and principles undermines the intergovernmental nature of this process and the transparency needed to reach consensus. The outcome of the Global Compact on this specific point would significantly influence how and to what extent the Holy See and the Catholic institutions and organizations taking care of migrants throughout the world might support the Global Compact.'*⁷ These concerns were not mentioned in the civil society statement.

The 180 organisations and the Holy See acknowledged the spirit of co-operation in the process thus far and their readiness to continue finding the best possible solutions for States as well as for the migrants themselves. Archbishop Auza commented: *'We believe the draft as a whole reflects the different priorities and positions expressed throughout the process and a common understanding of how States must cooperate to address international migration in all its dimensions.'*⁸

Peter-John Pearson
Director

¹ https://cnstopstories.com/2018/07/10/bishops-sought-to-share-journey-with-migrants-not-join-political-fray/amp/?_twitter_impression=true

² <https://holyseemission.org/contents//statements/5b4396ad52efe.php>

³ <https://holyseemission.org/contents//statements/5b4396ad52efe.php>

⁴ <https://holyseemission.org/contents//statements/5b4396ad52efe.php>

⁵ <https://holyseemission.org/contents//statements/5b4396ad52efe.php>

⁶ https://cnstopstories.com/2018/07/10/bishops-sought-to-share-journey-with-migrants-not-join-political-fray/amp/?_twitter_impression=true

⁷ <https://www.icmc.net/newsroom/news-and-statements/global-compact-for-migration-its-now-or-never>

⁸ <https://holyseemission.org/contents//statements/5b4396ad52efe.php>

⁸ <https://holyseemission.org/contents//statements/5b4396ad52efe.php>