

**Statement of Civil Society on the Global Compact on Safe, Orderly, and Regular Migration (GCM) in
advance of the Sixth and Final Round of Negotiations**

July 9, 2018

Members of civil society, including migrant networks across regions, gathered on Sunday, July 8, 2018, to reflect on the GCM negotiations, and to look at the issues at stake and to envision the next phase of mobilization as you complete your negotiations this week. This statement is a result of these deliberations and our on-going commitment to improving the lives of communities on the ground.

Since its start in 2016, civil society has been engaged in the GCM process and has continually pushed for a number of improvements in areas of key importance to our common objective of leaving no one behind across both Global Compacts deliberations. The moment has come for us to reflect on the overall scope and substance of the document and our role in implementing and building a new paradigm for migration governance.

First, we thank you all for your dedication to this process. We regret that a negative political narrative surrounding human mobility has been a context in which the Global Compact on Migration process has taken place. We appreciate your efforts to embrace a fact-based premise for deliberations and we will continue to firmly insist that migrants and refugees are understood not as threats but as contributors to societies.

We reiterate our commitment to substantive engagement in the GCM process and implementation, it being the first global governance framework on migration. We are cognizant of the fact that the final document will reflect the compromises reached in the process of seeking consensus amongst Member States.

With this statement we present our final observations, concerns and recommendations as you conclude intergovernmental negotiations. We consider a positive disposition of the issues outlined below, as necessary to the success and integrity of the Compact, and to the actuation of safe, orderly and regular migration. These are the issues we will continue to mobilize around as we move forward in this process and in our work with migrants, communities and with you, States, at all levels.

- **Regular and Irregular Status for Migrants.** People, regardless of their legal status, possess human rights that entitle them to certain freedoms, including access to justice, as well as to labour rights, information, shelter, health-care, education, and civil registration. The GCM cannot include a distinction between regular and irregular migrants, in a manner inconsistent with international human rights law, international labour standards, other international obligations, and the letter and spirit of the New York Declaration, Agenda 2030, and the Compact itself. It should also reflect the existing good practice of formal regularization mechanisms for migrants who have lived in a country for a given number of years, irrespective of the cause of their irregular status.
- **Non-Refoulement of Migrants.** For clarity, simplicity and removal of doubt as to whether the GCM sanctions any regression from non-derogable elements of international human rights law and a weakening of customary international law, we urge Member States to restore the term 'non-refoulement' in the text of the Compact, thereby reinforcing commitment to established international standards.
- **Migrants in Vulnerable Situations.** We urge Member States to maintain language throughout the Compact that ensures that migrants in vulnerable situations enjoy full human rights protections, consistent with UN-approved international human rights instruments. Specifically, we insist on the

critical importance of avoiding any weakening of protections for victims of natural disasters and climate change, as the Global Compact on Refugees does not address either of these situations adequately.

- **Right to Privacy with regard to migrant's personal information.**

While we would prefer the reinstatement of firewall language to the text, we cannot support the removal of language, which protects the privacy of migrant's personal information to prevent it from being used for enforcement purposes. Breaching this privacy amounts to a violation of the human right to have access to certain social services, as it would deter irregular migrants from registering for these services. It also would discourage migrants from participating in data collection efforts, which are vital in estimating migrant populations and in creating humane and proportional policy responses and can impede service providers' ability to effectively carry out their work.

- **Criminalization of Migrants and those who assist them.**

We are strongly against any changes to the language in Objective 8 and 9, which would criminalize migrants who cross an international border in search of safety or opportunity, and weakens access to humanitarian assistance. The GCM should also be explicit in its rejection of the criminalization of entities that demonstrate solidarity and provide support to irregular migrants.

- **Working to End Child Immigration Detention.** We strongly call on Member States, in working to end child immigration detention, to ensure the availability and accessibility of non-custodial, community-based alternatives to detention. We also favour the inclusion of references to national or regional initiatives to guarantee such alternatives are readily implementable.

- **A Robust Implementation, Review, and Follow-Up Mechanism.** We strongly support a robust implementation, review follow-up and performance improvement mechanism that ensures accountability, transparency, practical progression and support to Member States in their national implementation efforts. Civil society requests a fully mandated partnership role in these efforts as well as a role in monitoring progress, both at the national, regional and international levels.

And to close, in our view nothing in the Compact reduces the obligation of Member States to honour their current commitments under international human rights law. Indeed, if "migration management" is to be effective, not only must it be credible to states, but must also be credible to migrants.

While these recommendations do not represent the totality of our concerns, we believe they are essential to ensuring that the GCM upholds the human rights of all migrants and ensures their safety and well being across the globe.

As always, we will be present with you during the negotiations this week and stand ready to work with you to advance these elements. Most importantly, we urge you to move them forward in the implementation phase of the compact, and, in so doing, encourage you to think long-term and aspirational in your efforts, as we will continue to do in the months and years ahead.

Signatories