



ICRC

GLOBAL COMPACT ON SAFE, ORDERLY AND REGULAR MIGRATION

THEMATIC SESSION 1: HUMAN RIGHTS OF ALL MIGRANTS, SOCIAL INCLUSION, COHESION AND ALL FORMS OF DISCRIMINATION, INCLUDING RACISM, XENOPHOBIA AND INTOLERANCE

8-9 MAY 2017

Thank you, Chair.

The ICRC welcomes States' commitment to cooperate "to ensure safe, orderly and regular migration involving full respect for human rights and the humane treatment of migrants, regardless of migratory status."

In their general approach, we urge States to recognise and address the protection needs of migrants resulting from their circumstances, and also from a particular aspect of their identity.

We also ask the session to note armed conflict as a particularly "vulnerable situation" in which migrants may find themselves.

We welcome the Issue Brief's set of practical commitments and want to emphasize three essential commitments.

First, we very much appreciate the emphasis that immigration detention should only be used as a measure of last resort, and avoided in the case of children.

Secondly, we would like to see strong commitment to respect the principle of *non-refoulement*.

Preventing people from accessing a territory or returning them to another country can have grave, even fatal consequences. This recognition underpins the principle of *non-refoulement*, which prohibits returning persons if there are substantial grounds to believe that they would be in danger of being subjected to violations of certain fundamental rights in the country of return.

We remind this session that under conventional and customary international human rights law, this principle extends to all individuals, irrespective of their legal status.



ICRC

States should commit in the migration compact to ensure that their domestic legislation and procedures, including at international borders and on the high seas, respect the principle of *non-refoulement*.

Thirdly, greater emphasis is needed on the use of force as a last resort.

In the Compact, States should pledge to use force only as a last resort, when other means remain ineffective or without any promise of achieving the intended result.

In line with international human rights law, any use of force must be consistent with the principles and requirements of legality, necessity, proportionality, precaution and accountability.

Authorities should therefore commit to avoid using force simply to prevent migrants from reaching borders, seeking access to international protection or to manage migration.

The ICRC hopes to see these commitments reflected in the Global compact and stands ready to assist States by sharing its expertise and field experience.

Thank you.