



# QUNO

Quaker United Nations Office



Briefing for Friends — December 2017

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## Human Rights of Migrants under the New York Declaration:

*Current Activities at the UN Level*

*Stephen Browne*

### Human Rights and Refugees

QUNO's belief in the inherent worth of every individual leads us to work for the promotion and protection of human rights for all. Our Human Rights & Refugees programme raises up the concerns of marginalized groups, so they are better understood by international policy makers, which leads to stronger international standards.

Frontline organizations can use these strengthened international standards as a tool to limit suffering, improve lives and challenge the root causes of injustice. Our work focuses on children of prisoners, children of parents sentenced to death or executed, conscientious objectors to military service, Indigenous peoples and refugees.

On 19 September 2016, States adopted the New York Declaration for Refugees and Migrants setting a new agenda for responding to large movements of people crossing borders. Motivated by our testimonies and drawing on long experience of working on international peace and justice concerns, the Quaker United Nations Office (QUNO) is focussing on how current opportunities can be used to achieve an ambitious, effective and human rights based international response to people on the move.

In adopting the New York Declaration, States reaffirmed their commitment to upholding the human rights of refugees and migrants regardless of status. The Declaration began a two-year process to draft and adopt two international agreements aimed at improving States' response to refugees and migrants; the Global Compact on Safe, Orderly and Regular Migration and the Global Compact on Refugees. In January 2017, QUNO [published a briefing paper for Friends](#) on the New York Declaration. This briefing paper provides an update on the development of the Global Compact on Migration as QUNO has been dedicating more time to this process.

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### What is the process to develop the Global Compact on Migration?

The development of the Global Compact on Migration has three identifiable stages:

- **Consultation:** consultations took place at the national, regional and international level between April and November 2017.
- **Stocktaking:** A stocktaking conference is taking place in Mexico and a report from the UN Secretary General is being presented in December 2017
- **Negotiation:** due to take place in New York from February to July 2018.

The Global Compact on Migration has a huge scope, potentially covering all issues related to migration from border control to how migrants send money back to their families to the portability of earned benefits (for example what happens to a migrant workers' pension contributions when they return). To allow space to gather ideas and gauge views on this range six thematic consultations were held during which governments, NGOs, academics and UN entities shared ideas and practices.

**The themes of the six thematic consultations were:**

1. The human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance.
2. Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crisis through protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution.
3. International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, read mission, integration and reintegration.
4. Contribution of migrants and diaspora to all dimensions of sustainable development, including remittances and portability of earned benefits
5. Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims.
6. Irregular migration and regular pathways, including decent work, labor mobility, recognition of skills and qualifications, and other relevant measures.

The negotiation phase will begin in 2018 with the publication of an initial draft followed by a series of three inter-governmental negotiations.

The Global Compact should be adopted in Morocco on 10 December 2018.

## What has emerged from the consultation phase?

The consultation phase has seen a high level of participation from States and civil society. **Some of the positive themes emerging from the consultations include:**

1. Repeated commitments to developing a human-rights based Global Compact. This was raised consistently in all the consultations. To underline that human rights are cross cutting we worked with the Office of the UN High Commissioner for Human Rights to hold side events at the three consultations that took place in Geneva.
2. Repeated commitments to taking a whole of system and whole of government approach towards migration, this should improve the way that all relevant government departments work together.
3. Growing recognition that increasing the number of regular pathways that are available to migrants is a necessary part of responding to irregular migration.

There are, unsurprisingly many issues that remain divisive including in relation to criminalization and detention of irregular migrants, however we have been pleased to hear some States repeatedly call for an end to criminalization of irregular migration and giving examples of regularization programmes. **We remain particularly concerned about the following issues that came up in the consultations:**

1. The emphasis on returns and on making these easier for the government that is deporting someone with little attention given in these statements to the rights of those who could be deported.
2. Repeated statements by some States insisting that different categories of migrants have different levels of human rights protection. This is in direct contradiction to the universality of human rights (there a very few narrow exceptions based on citizenship).
3. A loss of the sense of urgency to do more and better for those whose lives and dignity are put at risk by migration policies.



*QUNO's Laurel Townhead speaks at a briefing on the anniversary of the adoption of the New York Declaration, 19 September 2017.*

## What would we like to see in the Compact?

QUNO has been working to support the adoption of a Global Compact on Migration that is ambitious, effective and human rights based. By this we mean:

- **Ambitious** – The Global Compact must be seen as an opportunity to do more and better, to improve implementation of existing commitments and identify new ways to collaborate.
- **Effective** – The Global Compact must contain follow up and implementation mechanisms – it cannot only be commitments but must also set out how these commitments will be met and what will guide and oversee this action. To support discussion of this QUNO published [a report that analyses the different follow-up and accountability mechanisms that were put into place for six international agreements](#).
- **Human rights based** - We believe that the Global Compact will set the agenda for how migration is handled by the international community for at least the next fifteen years.

We believe that this should be people centred and not only (or mainly) about what is convenient or economically beneficial for States. We believe that it should be used to help change the narrative on migration. We would like it to be a global compact for migrants with safeguarding human rights as its core aim.

To do this the Global Compact should address issues which directly impact on the daily lives of migrants such as discrimination, xenophobia and criminalisation. Examples of how this could be done include committing to put in place ‘firewalls’ that keep essential services and immigration control separate or spelling out steps States can take to meet their commitment to work towards ending child immigration detention.

QUNO has been working with States, NGOs and UN agencies to encourage dialogue and support for a human rights based global compact. Working with a group of NGOs, QUNO coordinated [a set of “Joint Key Messages” for the Global Compact](#). This sets out eight issues that we believe should be addressed in the Global Compact for it to better protect human rights.

## How can Friends engage?

The Global Compact represents an important opportunity for the human rights of migrants to be better protected at the international level. However, the agreement will only be as strong as the UN member States allow it to be. As the negotiating positions that States adopt are based on national priorities and politics, it is vital they are reminded that they have citizens who firmly believe in the inherent worth and dignity of all and who expect their representatives, to whom they are accountable, to do all they can to protect this. Here are some of the ways that Friends can engage with the process in 2018.

### Global Compact on Migration

Engage with national consultation processes – Friends can find out if their State is conducting a national consultation process on the Global Compact and get involved if you have information that could be helpful.

Friends can also write to their elected representatives and call for their State to adopt a position that advances respect for the human rights of migrants.

### New York Declaration

In signing the New York Declaration, every UN member State agreed to numerous commitments with respect to the human rights of migrants. This included, for example, working towards ending child detention and ensuring

that all children receive education within a few months of arriving in a State. Friends can therefore ask their elected representatives what action their government has taken to implement these commitments.

### Universal Periodic Review

The Universal Periodic Review (UPR) is a UN process through which every country has its human rights record reviewed by other member States once every 4 and a half years. The process is directly State-State, however there are opportunities for civil society organisations to send information about human rights violations happening in their countries. Information from the ground about violations of migrants' and refugees' rights significantly enhances the effectiveness of this process. Check when your country is coming up for review and how to submit information here: [ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx](http://ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx). Another useful resource is: [upr-info.org/en](http://upr-info.org/en).

The Global Compact on Safe, Orderly and Regular Migration represents an opportunity to contribute to the protection of the rights of migrants. Together, our concern for migrant rights can contribute to making the most of this opportunity.

**Without the concerted efforts of each of us to push States in the right direction, destructive narratives and behaviours will have free reign to undermine these efforts to create a more humane approach to human mobility. Our collective efforts are critical at this moment in ensuring that the opportunity is not lost.**



*To maintain this work in this critical period, we seek financial support from individuals, meetings and foundations*

*To contribute, please visit [quino.org/donate](http://quino.org/donate) or for more information contact our Representative for Human Rights and Refugees, **Laurel Townhead** at [ltownhead@quino.ch](mailto:ltownhead@quino.ch).*