



38th Regular Session of the Human Rights Council, 18 June - 6 July 2018
 Item 3: Clustered Interactive Dialogue with the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on the human rights of migrants

Joint oral statement
 Geneva, 20 June 2018

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Thank you Mr President,

APG23 and other 11 co-signing NGOs welcome the report¹ of the Special Rapporteur on the human rights of migrants - Mr Felipe Gonzales Morales – and thank him for the thematic study on the return of migrants.

As clearly stated in the report: “*In recent years, there has been an increased focus on the return of migrants to the detriment of other migration policy options, such as regularization, social inclusion or the expansion of regular pathways*”². The increasing securitization and criminalization of cross-border movements of people is a policy approach that jeopardises the respect of dignity and human rights of migrants.

We totally agree with the S.R. when he says: “*The UDHR and the core international human rights treaties provide the legal framework for non discrimination and the protection of the human rights of all human beings, including migrants, regardless of their status and where they are.*”³ States must also respect the right to be free from torture and ill-treatment by observing the “*absolute and non-derogable principle of non refoulement*”⁴. “*This principle also applies in cases of return to situation of socioeconomic deprivation*”⁵.

Current return practices are a worrying trend. Persons in forced return procedures become often subject of detention, lose their human rights and their human dignity.

As recommended by the Special Rapporteur States should create valid alternatives to return of migrants “*such as effective access to temporary permits for work, family unity, study or humanitarian purposes and opportunity for permanent residency and citizenship*”.

Moreover trend towards the externalization of migration management to border countries by means of return, the proliferation of readmission agreements in flexible cooperation arrangements and, in general, all return policies can lead to serious human rights violations.

We are firmly convinced that a new migrant-centred approach is needed. This is evident especially considering the movement of children. Any decision on migrant children, whether unaccompanied, separated or accompanied by their families should be guided by the best interests of the child. Detention of migrant children should be banned even as a measure of last resort.

Migrants, refugees, asylum seekers and internally displaced persons, are all human beings entitled to all human rights. Often, because of their situation of vulnerability, they are human beings with special protection needs.

In this perspective States policy have to be inspired by welcoming, protecting, promoting and integrating⁶ migrants. Each of this is an active verb and a call to action. Thank You!

¹ A/HRC/38/41

² A/HRC/38/41 p. 4 para9

³ A/HRC/38/41 p. 5 para19

⁴ A/HRC/38/41 p.5 para20

⁵ A/HRC/38/41 p.6 para20

⁶ Migrants & Refugees Section, Integral Human Development Dicastery of Holy See – Responding to Refugees and Migrants: twenty action points