



“Towards a global compact on refugees”

Thematic discussion five:

Issues that cut across all four substantive sections of the CRRF

Panel 1: How can we address the root causes of large movements of refugees?

15 November 2017

Room XIX, Palais des Nations

**Oral Statement, Office of the United Nations High Commissioner for Human Rights
(OHCHR)**

The Office of the High Commissioner for Human Rights (OHCHR) welcomes the theme of this fifth thematic discussion, “Issues that cut across all four substantive sections of the CRRF” and wishes to highlight that the protection of the human rights of all migrants, including refugees, lies at the very heart of the New York Declaration commitments and cuts across both the Global Compact on Refugees and the Global Compact on Safe, Regular and Orderly Migration.

- Indeed, human rights are a cross-cutting issue that should be mainstreamed throughout the CRRF, and Programme of Action.
- There are already over 100 concrete commitments to human rights in the New York Declaration, and all of the commitments found in Part 2 of the Declaration pertain to all people, at all times, including refugees.
- Some of these commitments include:
 - That all people deserve safe, dignified, and gender-responsive reception;
 - That border control procedures must be in conformity with international law obligations, including that States should not criminalize cross-border movements and should always pursue

alternatives to detention;

- That the special needs of people in vulnerable situations should be identified and protected;
 - That the principle of non-refoulement must always be respected;
 - That the immediate needs of persons who have been exposed to physical or psychological abuse should be addressed, without discrimination or regard to legal or migratory status;
 - That other specific health-care needs must be provided for;
 - That the best interests of children should be prioritized, regardless of their migratory status; and
 - That all people must receive due process of law in the assessment of their particular legal or protection claim;
- Human rights are sometimes absent in discussions of refugee protection. However, it is important to note that refugees are rights holders. All human beings, including refugees, are entitled without distinction or discrimination, to fundamental civil, political, economic, social and cultural rights according to the Universal Declaration and twin Covenants of the International Bill of Human Rights.
 - In addition, the specific protections afforded to refugees are not limited to refugee law, but include specific rights according to other binding human rights treaties vis-à-vis their status as women, children, survivors of torture or trauma, or persons with disabilities, for example.
 - In addressing root causes, OHCHR highlights that many root causes of forced movement stem from a lack of protection of one's human rights in countries of origin. We also note that States are obligated to protect against arbitrary or forced migration, including by addressing the underlying causes

that force people to move in response to climate change and environmental factors, including in response to slow onset climate processes.

- Finally, OHCHR is particularly concerned about those who risk falling into gaps because they are unable to benefit from refugee protection, but nevertheless find themselves in a situation of vulnerability that calls for specific protection and targeted solutions under the human rights framework. In this respect, on behalf of the Global Migration Group, OHCHR is finalizing a set of Principles and Guidelines to illustrate how states and other stakeholders can operationalise existing human rights commitments by finding solutions for migrants in vulnerable situations, including those who are in need of protection under international human rights law.

Thank you.