



Statement by the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Mr. José Brillantes, on the need for ensuring a human rights based approach to the Global Compact on Migration

Migration, which is a continuous cycle of human progression, is often portrayed as a crisis. It need not always be seen as such and is and will not go away. Treating it as a problem instead of a natural process is not a solution according to José Brillantes, Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW). Population growth, climate change, desertification, war and famine will continue to force people to migrate and migrants will also choose voluntarily under some circumstances to move in search of better employment opportunities, for example. Nevertheless, while root causes persist, migrants will continue to take various measures including risks as long as there is a cross-border supply and demand for work and inadequate legal migration frameworks.

As a group, migrants are already in a vulnerable situation, but this vulnerability dramatically increases during their transit as a result of inadequate regular migration channels, militarized migration control practices, xenophobic attitudes and the growing presence of organized criminal groups that take advantage of the structural character of irregular migration. Migrant women and children are especially at risk of exploitation, abuse and violence, including sexual-based violence.

The discourse on irregular migration is dominated by a security paradigm that seeks to address irregular migration, often through harsh border control measures and criminalizing irregular migrants. The Chair notes that criminalizing people for crossing or attempting to cross borders is disproportionate to migration governance and contributes to rising intolerance and xenophobia. Deterrence policies have not worked and far too many have lost their lives at sea and on land due to insufficient channels of legal migration, according to Mr. Brillantes. States need to think about their share of responsibility in these deaths, he exclaimed.

According to Mr. Brillantes, States' legitimate interests in securing their borders and exercising immigration control cannot undermine their obligation to respect, protect and fulfil the human rights of all persons in all areas under their jurisdiction, regardless of their migration status. Border control areas are not exempt from human rights obligations.

The Chair is of the view that the Global Compact on Migration provides a unique opportunity to ensure that negotiations result in a comprehensive and human rights-based response. States must refrain from reacting to this multidimensional and complex issue through criminalization of irregular migration, the building of fences and un-necessarily strengthening other border controls measures. States instead must ensure that laws, policies and practices aimed at effectively tackling the root causes of increasing mixed-migration movements of people, as well as to address the

particular vulnerabilities of migrants in transit and destination countries, including women and children, are fully in line with the human rights treaty framework, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Mr. Brillantes, therefore, urges Member States, through the Global Compact on Migration, to respond with compassion and humanity, ensuring a holistic and human rights-based approach to addressing the phenomenon of international migration.

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