

## **Submission of the International Commission of Jurists**

### **First informal thematic session “Human rights of all migrants” in the process for a Global Compact for safe, orderly and regular migration**

#### **THE ROLE OF JUDGES AND LAWYERS IN RELATION TO REFUGEES AND MIGRANTS**

8-9 May 2017

The International Commission of Jurists (ICJ) is an international non-governmental organisation of judges and lawyers from around the world. The ICJ has more than sixty years of global experience in the legal protection and enforcement of human rights, the independence of judges and lawyers, and the rule of law.

Based on this experience and expertise, the ICJ can say definitively that equal and effective access to independent, impartial and competent judicial institutions and justice systems, and to independent and competent legal assistance, are absolutely essential to the protection of human rights of all persons, including migrants. The ICJ submits that the Global Compact should specifically affirm the importance of such access.

To this end, the ICJ is pleased to submit in writing a set of Principles on the Role of Judges and Lawyers in Relation to Refugees and Migrants. These were developed in consultation with senior judges, lawyers, and other legal practitioners with expertise on legal protection of refugees and migrants, at the national, regional, and international level.

The Principles cover, among other issues, the role of judges and lawyers in relation to:

- determinations of entitlement to international protection;
- deprivation of liberty for any reason;
- removals, including with due process;
- effective remedy and access to justice, both for violations of human rights and for ordinary crimes;
- independence and impartiality of the judiciary, and ensuring equality before the law;
- how judges can respond when they encounter conflicts between national and international law.

The ICJ invites all participants to have regard to the Principles for their potential use in developing the Global Compact.

Additional information is available on the ICJ website at: <https://www.icj.org/rmprinciples/> or by contacting ICJ Senior Legal Adviser, Matt Pollard ([matt.pollard@icj.org](mailto:matt.pollard@icj.org)).