Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 15229
19 February 2021

Role of parliaments in implementing the United Nations global compacts for migrants and refugees

Report[1]
Committee on Migration, Refugees and Displaced Persons
Rapporteur: Mr Nicos TORNARITIS, Cyprus, Group of the European People's Party

Summary

Today, the number of forcibly displaced persons in the world surpasses the mark of 79.5 million, 48% being women and girls. Refugees and migrants worldwide move in search of a better place to live, fleeing conflicts, political persecution, extreme poverty and environmental degradation. Facing criticism for lack of action that has led to the migration and refugee crises, the international community under the auspices of the United Nations agreed to take measures to protect the lives and dignity of people on the move.

The Committee on Migration, Refugees and Displaced Persons calls upon Council of Europe member States to support the two UN Global Compacts – the Global Compact for Safe, Orderly and Regular Migration (GCM) and the Global Compact on Refugees (GCR). The two compacts should help structure international co-operation in the years to come and provide refugees and migrants with the essential human rights protection they are entitled to.

The Committee highlights the preconditions for the successful implementation of the two global compacts: the need to address the root causes of displacement, build stronger institutions and promote good governance in countries of origin of forced displacement, and also to promote international solidarity on migration and asylum-related matters – including solidarity towards frontline countries. The committee proposes specific action to be taken by national parliaments according to various parliamentary functions: representative, legislative and oversight, as well as the important element of international parliamentary diplomacy.

1. Reference to Committee: Doc. 14655, Reference 4420 of 21 January 2019.

Contents **Page**

A. Draft resolution 3
B. Explanatory memorandum by Mr Nicos Tornaritis, rapporteur 6
1. Introduction 6
2. The New York Declaration for Refugees and Migrants 6
3. The Global Compact on Refugees (GCR) 7
4. The Global Compact for Safe, Orderly and Regular Migration (GCM) 8
5. GCM and GCR implementation from a human rights perspective 9
6. Institutional framework for the implementation of the GCM and GCR 10
6.1. United Nations agencies 10
6.2. Council of Europe 11
6.3. European Union 12
7. Next steps on the implementation and review of the GCM and GCR 14

A. Draft resolution[2]

1. Today, the number of forcibly displaced people in the world surpasses the mark of 79.5 million individuals, 48% being women and girls. Migration, as a worldwide phenomenon has considerably influenced the lives of millions of people and it will continue to do so in the years to come. Refugees and migrants worldwide move in search of a better place to live, fleeing conflicts, political persecution, extreme poverty and environmental degradation. Facing criticism for lack of action that has led to migration crises, the international community under the auspices of the United Nations agreed to take measures to protect the lives and dignity of people on the move.

2. The United Nations Global Compact for Safe, Orderly and Regular Migration (GCM) and the Global Compact on Refugees (GCR), agreed upon at the end of 2018, give substance to the 2016 New York Declaration for Refugees and Migrants adopted by the UN General Assembly. These voluntary, non-binding, international instruments represent an unprecedented push forward for human rights protection of migrants and refugees. They create a better-defined framework for co-operation and international development and set clear guidelines for targeted actions and support programmes.

3. The GCM sets out a common framework based on 23 objectives with different commitments and actions under each objective based on best practices. These objectives refer to member States' actions, *inter alia*, to save lives and establish co-ordinated international efforts on missing migrants; to strengthen the transnational response to smuggling of migrants; to manage borders in an integrated, secure and co-ordinated manner; to provide access to basic services for migrants and also to ensure that all migrants have proof of legal identity and adequate documentation.

4. The GCR emanates from fundamental principles of humanity and international solidarity. It seeks to enhance humanitarian responses. It also seeks to operationalise the principles of burden and responsibility-sharing to better protect and assist refugees and support host countries and communities. Its key objectives are to ease the pressure on host countries, enhance refugee self-reliance, expand access to third-country solutions, and support conditions in countries of origin for return in safety and dignity. The GCR is grounded in the international refugee protection regime, centred on the cardinal principle of non-refoulment, and at the core of which is the 1951 Geneva Convention and its 1967 Protocol.

5. The Assembly underscores the importance of international co-operation to support the implementation of key United Nations treaties and non-binding multilateral agreements aimed at fostering greater protection of human rights and dignity of individuals worldwide. It reiterates its call to protect and promote the rights of people on the move, in line with the international standards of humanitarian protection, of human rights, democracy and the rule of law.

6. The Parliamentary Assembly, therefore, calls upon national parliaments to take steps towards the adoption and implementation of the GCM and of the GCR by all Council of Europe member States. The Assembly is convinced that by joining forces, parliaments can make a difference at the national, regional and global levels.

7. In doing so, members of parliaments should start by addressing the root causes of displacement, by helping countries of origin of refugees and migrants recover through development co-operation, and by strengthening international solidarity. Members of parliaments should, in particular:

7.1. do their utmost to understand and address the root causes of forced displacement by looking at conflict resolution, peace building and reconciliation and by tackling issues relating to inequality, security and climate change, which can lead to forced displacement;

7.2. act to promote democracy, human rights and rule of law by offering their expertise in building stronger institutions and promoting good governance in countries of origin of forced displacement; and improve their countries' contributions to the implementation of development co-operation programmes in the countries of origin of migrants and refugees;

7.3. promote a spirit of international solidarity on migration and asylum-related matters. More needs to be done, in particular, to alleviate the pressure on frontline countries, including by supporting emergency accommodation for asylum seekers, assisting in voluntary resettlement, returns and reintegration, as well as preventing migrant smuggling. Parliaments should also be more vocal to

2. Draft resolution adopted by the committee on 21 January 2021.

promote international solidarity towards refugees and migrants, highlighting the universal values of humanity and dignity for all. The tremendous suffering of refugees and migrants should be acknowledged and actions to alleviate human suffering should be supported;

7.4. bear in mind the numerous additional problems and pressure on refugees and migrants in times of health pandemics and take specific measures to alleviate that pressure. In this regard, they should follow-up the recommendations agreed upon by the Assembly in its Resolution 2340 (2020) «Humanitarian consequences of the Covid-19 pandemic for migrants and refugees».

8. Members of parliaments have many roles: constituency representatives and local or *quasi*-ombudspersons, orators, law- and policymakers and watchkeepers over the government. They enhance the legitimacy of policy processes at local, national and international levels. Members of parliaments should, therefore, support the implementation of the two compacts though their daily work and functions, as follows:

8.1. as regards the representative function, members of parliament should:

8.1.1. strive to make a difference by relaying to their constituencies the meaning of the two UN global compacts. They should raise awareness about the compacts, moulding public opinion, as well as relaying their constituents' views on the matters raised by the compacts. They should deal with the issues and concerns raised by those who spoke against the two pacts in a constructive manner;

8.1.2. do more to combat hate speech against migrants and refugees in political discourse. Hate speech undermines human dignity and is dangerous for the cohesion of society, especially when it comes from political leaders;

8.1.3. provide genuine leadership on human rights-related matters in the face of changing public opinion on migration and asylum. Parliamentarians' link with citizens is of essence to ensure that no one is left behind, and no voice is under-represented. Building a common understanding; working towards a conducive, open, inclusive societal environment; addressing stereotypes and discrimination – is of utmost importance;

8.2. as regards the legislative function, members of parliaments should:

8.2.1. take into account the progress made in recent years to protect human rights, democracy and the rule of law at world level in their law-making actions, starting with the UN Sustainable Development Goals contained in the 2030 Agenda for Sustainable Development, by which countries from around the world committed to "leaving no one behind", especially the most vulnerable;

8.2.2. act to build State systems that prevent and can respond to human displacement tragedies, protecting those in transit and arrival. Legislation and legislative reform are two of the primary aspects of responding to needs and of protecting those that are fleeing but also of host communities. Measures put in place should be developed through consultation with host communities;

8.2.3. make sure that the development of legal frameworks is inclusive and sensitive to the needs of the most vulnerable, especially those of refugee and migrant children. In 2018, out of the 31,5 million refugees and displaced persons for whom age-disaggregated data was available, 16,3 million – 52% – were children under the age of 18;

8.2.4. act to ensure that their countries' international commitments based on the existing universal human rights treaties are respected. In that regard, they should help meet the Council of Europe's substantive pledges to the implementation of the GCR, amongst which is a commitment to promote the accession of all its member States to the European Convention on Nationality (ETS n^{o} 166) and to the Convention on prevention of statelessness in relation to State succession (CETS n^{o} 200);

8.2.5. create the necessary legal frameworks to allow for the implementation of best practices for refugee and migrant integration through education, employment, and social cohesion initiatives. This includes, for instance, the promotion and implementation of European projects, such as the Council of Europe pilot project on the European Qualifications Passport for Refugees;

8.3. as regards the oversight function, members of parliament should:

8.3.1. put in place parliamentary action plans to accompany the implementation of State pledges made at the Global Refugee Forum. This would allow parliamentarians to plan and map actions required and identify capacity needs for respective legislative reforms;

8.3.2. take part in, and oversee, the implementation of both compacts, based on a multi-stakeholder partnership approach as a key tool for burden and responsibility-sharing, helping to join efforts to implement both compacts;

8.3.3. ask their governments to include the needs of refugees and forcibly displaced persons in multi-annual national and regional development planning and ensure regular monitoring of the implementation of the relevant laws and of budget allocations;

8.3.4. audit government expenditures during the yearly and other budgetary debates to ensure that financial pledges for the implementation of relevant international treaties and other agreements are disbursed on a timely manner. Parliaments should further develop their technical expertise as regards the follow-up on international pledges;

8.4. as regards international parliamentary diplomacy, members of parliament should:

8.4.1. use international parliamentary diplomacy to promote their country's adherence to the two compacts and participation in their respective follow-up mechanisms. National parliaments should reinforce co-operation with the United Nations High Commissioner for Refugees and the International Organization for Migration as key organisations co-ordinating the implementation of the two compacts and participate in the UN Network on Migration through their national delegations;

8.4.2. reinforce development co-operation to support countries of origin and transit of refugees and migrants to build up State systems that respond to refugees' and migrants' needs and protect those fleeing;

8.4.3. identify avenues for co-operation with the European Parliament, the European Commission, and other European Union bodies for the implementation of the new European Union Pact on Migration and Asylum, building synergies, when possible, with the relevant processes for the implementation of both UN compacts;

8.4.4. be informed of progress made in the implementation of the two UN compacts at world level and other initiatives that contribute to reaching the goals set therein. Co-operation on these matters with the Inter-Parliamentary Union (IPU) and other regional parliamentary assemblies could be further enhanced.

B. Explanatory memorandum by Mr Nicos Tornaritis, rapporteur

1. Introduction

1. Migration is a phenomenon that has always existed and will always exist. However, since 2000, migration has increased by 49% and currently, 3.4% of the world population are migrants.[3] Good governance of this phenomenon is therefore needed in order to safeguard human dignity in the face of the scale of migratory flows, especially in the context of conflict and persecution. Armed conflict and climate change are increasing the number of forcibly displaced people[4] in the world surpassing the mark of 79.5 million individuals[5]. Refugees currently number over 25 million worldwide, of whom 60 % are accommodated by only 10 countries. Based on the available data, the proportion of women and girls in the refugee population was 48% in 2018, similar to the past few years[6]. Research shows that migrants and refugees make a significant contribution to host and origin countries and that they contribute more to economic growth by paying taxes than they receive in individual benefits.[7]

2. Adopted in 2018, the United Nations Global Compact for Safe, Orderly and Regular Migration (GCM) and the Global Compact on Refugees (GCR) emerged and have been negotiated in parallel as a concrete commitment to give substance to the New York Declaration for Refugees and Migrants adopted by the UN General Assembly in December 2016. The compacts are voluntary, non-binding instruments that do not introduce any additional obligations for States.

3. The whole process was a good example of how to actively engage parliamentarians in major UN deliberations. Now parliamentarians have a key role in the implementation of both compacts,[8] as well as in holding their governments accountable for putting the provisions into practice.[9] This report aims to suggest future action that could be taken to effectively implement the two compacts, bearing in mind the challenges States might face in implementing them.

4. The challenges are numerous, but as popular wisdom has it, some challenges are given to us in order to reveal our humanity. Europe must become stronger in that sense. It must be better not in building frontiers, but in preserving the values of humanity in all areas, in mitigating power interests to protect people in the best way possible, and in ensuring the most effective translation into practice of world-level agreements in order to reach peace and prosperity for all.

2. The New York Declaration for Refugees and Migrants

5. The United Nations New York Declaration for Refugees and Migrants[10] contains a wide range of commitments by member States to strengthen and enhance mechanisms to protect people on the move. In adopting the New York Declaration, member States expressed profound solidarity with those who are forced to flee. They reaffirmed their obligations to fully respect the human rights of refugees and migrants and agreed that protecting refugees and supporting the countries that shelter them are shared international responsibilities and must be borne more equitably and predictably. Member States pledged robust support to countries affected by large movements of refugees and migrants, agreed upon the core elements of a Comprehensive Refugee Response Framework, and committed to work towards the adoption of a Global Compact on Refugees and a Global Compact for Safe, Orderly and Regular Migration.

6. The Declaration lists a series of specific commitments for refugees and migrants. As regards the commitments for refugees, member States reaffirmed *inter alia* the respect for the institution of asylum and the right to seek asylum, as well as the respect for and adherence to the fundamental principle on non-refoulement in accordance with international refugee law.[11] The Declaration acknowledges the “extraordinarily generous contribution by countries that host large refugee populations”. This being said, it recognises that “refugee camps should be the exception and, to the extent possible, a temporary measure in response to an

3. https://refugeesmigrants.un.org/infographics.
4. www.unhcr.org/statistics/unhcrstats/5ee200e37/unhcr-global-trends-2019.html.
5. www.unhcr.org/globaltrends2018/, www.unhcr.org/statistics/unhcrstats/5ee200e37/unhcr-global-trends-2019.html.
6. “UNHCR Global trends: forced displacement in 2018”, Chapter 8, www.unhcr.org/globaltrends2018/.
7. https://refugeesmigrants.un.org/infographics.
8. www.unhcr.org/gcr/GCR_English.pdf.
9. IPU, Annual Report 2018.
10. www.unhcr.org/new-york-declaration-for-refugees-and-migrants.html.
11. New York Declaration for Refugees and Migrants, Para 67, Document A/71/L.1.

emergency". As regards the resettlement of refugees, States that have not yet established resettlement programmes are encouraged to do so, and States that have already done so, are encouraged to increase the size of their programmes.

7. The Declaration also reiterates that Member States "are committed to protecting the safety, dignity and human rights and fundamental freedoms of all migrants, regardless of their migratory status, at all times".[12] It refers, in particular, to the development of "non-binding guiding principles and voluntary guidelines, consistent with international law, on the treatment of migrants in vulnerable situations, especially unaccompanied and separated children, who do not qualify for international protection as refugees and who may need assistance. In that context, I am happy to note that the Council of Europe provided such guidelines: "Promoting child-friendly approaches in the area of migration: standards, guidance and current practices" was published in December 2019.[13] I should stress that, following the available age-disaggregated data in 2018, out of the 31,5 million refugees and displaced persons for whom such data was available, 16,3 million – 52% – were children under the age of 18.[14]

3. The Global Compact on Refugees (GCR)

8. The GCR was adopted and endorsed by the United Nations General Assembly on 17 December 2018. In contrast to the GCM, the GCR has been widely supported so far by the international community, with the exception of the USA and Hungary.[15] The GCR emanates from fundamental principles of humanity and international solidarity, and seeks to operationalise the principles of burden- and responsibility-sharing to better protect and assist refugees and support host countries and communities.[16] It is grounded in the international refugee protection regime, centred on the cardinal principle of non-refoulment, and at the core of which is the 1951 Convention[17] and its 1967 Protocol.[18]

9. The GCR represents the political will and ambition of the international community as a whole for strengthened co6operation and solidarity with refugees and affected host communities. It is a framework for a more predictable and equitable responsibility-sharing between governments, international organisations and other stakeholders. It constitutes a unique opportunity to transform the way the world responds to refugee situations, benefiting both refugees and host communities, recognising that sustainable solutions can only be achieved through collective action, empowerment and meaningful participation of refugees.

10. The GCR seeks to enhance humanitarian responses, while also providing a basis for the early activation of development co-operation to provide additional support with direct benefits for host communities and refugees. It recognises the importance of addressing forced displacement from a holistic approach by preventing internal displacement and statelessness and assisting those who nonetheless become displaced or stateless. It engages a wide range of States and other partners that are ready to respond to large refugee situations, both new and protracted. It seeks to foster the resilience and self-reliance of refugees, in a manner that also benefits host communities, by facilitating access to livelihood opportunities and national systems and services, backed up by appropriate support from the international community.[19] In addressing the key tools for effective burden and responsibility-sharing, the GCR sets out specific objectives and lists actions to meet these objectives. These include funding and effective and efficient use of resources (as regards humanitarian assistance, development co-operation and on maximising private sector contributions). It draws attention to the importance of the multi-stakeholder and partnership approach involving refugees and host community members, the humanitarian and development actors, local authorities, faith-based actors, academic networks, sports and cultural networks, public-private partnerships and the United Nations system, as a whole.

---

12. *Ibid*., Para 41, Document A/71/L.1.
13. Promoting child-friendly approaches in the area of migration – Standards, guidance and current practices (2019), https://edoc.coe.int/en/refugees/8047-promoting-child-friendly-approaches-in-the-area-of-migration-standards-guidance-and-current-practices.html.
14. UNHCR Global trends: forced displacement in 2018, *op. cit*.
15. http://theconversation.com/global-compact-for-migration-what-is-it-and-why-are-countries-opposing-it-106654.
16. Report of the United Nations High Commissioner for Refugees, Part II, Global compact on refugees, Document A/73/12 (Part II), 13 September 2018, para 5.
17. www.unhcr.org/1951-refugee-convention.html
18. https://treaties.un.org/pages/ShowMTDSGDetails.aspx?src=UNTSONLINE&tabid=2&mtdsg_no=V-5&chapter=5&lang=en.
19. United Nations General Assembly, Proposed programme budget for 2020, Part VI Human Rights and Humanitarian Affairs, Section 25: "International protection, durable solutions and assistance to refugees, Document A/74/6 (Sect. 25), 4 April 2019.

11. There is widespread global recognition of the need for change in responding to refugee situations. The GCR is an opportunity to chart a new, more sustainable way forward for refugees and the communities that host them. In recognition of the need to broaden the base of support for refugee situations, we are seeing unprecedented engagement in the efforts of States by refugees themselves, development actors, parliaments, city networks and local authorities, private sector, civil society organisations faith-based actors, academic institutions, as well as deepened engagement with international organisations. The GCR identifies areas in need of support, namely the reception and admission of refugees (early warning, preparedness and contingency planning, immediate reception arrangements, safety and security arrangements, and registration and documentation), the actions to meet the needs of and to support host communities (namely education, jobs and livelihoods, food security, climate change, nutrition, accommodation etc.). The GCR also pays specific attention to the needs of vulnerable populations, including children. Finally, it includes proposals for possible solutions with references to support for countries of origin and voluntary repatriation schemes, resettlement, complementary pathways for admission to third countries, and local integration of refugees.

12. Follow-up and review under the GCR will be primarily conducted through the Global Refugee Forum (held every four years unless otherwise decided); high-level officials' meeting (held every two years between forums); as well as annual reporting to the United Nations General Assembly by the United Nations High Commissioner for Refugees.[20] The UNHCR will co-ordinate the implementation of the GCR.

13. The inaugural forum, held in Geneva in December 2019, was an opportunity for States and other stakeholders to make more than 1 400 concrete pledges towards the implementation of the GCR – financial, technical or policy related. The forum provides the central arrangement for the implementation of the GCR. The pledges are a first milestone in the implementation of pledges until the next forum in 2023. These pledges will require parliamentary action and involvement – whether legislative, budgetary, or linked to oversight or awareness raising amongst members of society. The Council of Europe also has submitted multiple substantive pledges, amongst which is a commitment to promote the accession of all its member States to the European Convention on Nationality (ETS No. 166) and to the Convention on prevention of statelessness in relation to State succession (CETS No. 200).

4. The Global Compact for Safe, Orderly and Regular Migration (GCM)

14. The GCM was adopted at a conference held in Morocco on 10-11 December 2018 and endorsed by the UN General Assembly on 19 December[21].

15. The GCM is a global agreement setting out a common framework based on 23 objectives with different commitments and actions under each objective, which are considered best practices. The Member States agree to:

– "Collect and utilize accurate and disaggregated data as a basis for evidence-based policies;
– Minimize adverse driver and structural factors that compel people;
– Provide accurate and timely information at all stages of migration;
– Ensure that all migrants have proof of legal identity and adequate documentation;
– Enhance availability and flexibility of pathways for regular migration;
– Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work;
– Address and reduce vulnerabilities in migration;
– Save lives and establish coordinated international efforts on missing migrants;
– Strengthen the transnational response to smuggling of migrants;
– Prevent, combat and eradicate trafficking in persons in the context of international migration;
– Manage borders in an integrated, secure and coordinated manner;
– Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral;
– Use migration detention only as a measure of last resort and work towards alternatives;

20. Report of the United Nations High Commissioner for Refugees, *op. cit.*, para.101.
21. Global Compact for Safe, Orderly and Regular Migration, Resolution adopted by the United Nations General Assembly on 19 December 2018, Document A/RES/73/195.

– Enhance consular protection, assistance and cooperation throughout the migration cycle;

– Provide access to basic services for migrants;

– Empower migrants and societies to realise full inclusion and social cohesion;

– Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration;

– Invest in skills development and facilitate mutual recognition of skills, qualifications and competences;

– Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries;

– Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants;

– Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration;

– Establish mechanisms for the portability of social security entitlements and earned benefits; and

– Strengthen international cooperation and global partnerships for safe, orderly and regular migration".

16. The GCM will be implemented through enhanced bilateral, regional and multilateral co-operation. It has been decided to establish a capacity-building mechanism in the UN, building upon existing initiatives. A United Nations' Network on migration was established to ensure effective and coherent system-wide support for the implementation of the GCM. The International Organization for Migration (IOM) serves as a co-ordinator and secretariat for the network. The Global Forum on Migration and Development will provide a platform for advancing the international dialogue and co-operation. Finally, the High-level Dialogue on International Migration and Development scheduled to take place every four sessions of the General Assembly starting 2022, and renamed "International Migration Review Forum", will serve as the primary intergovernmental global platform for member States to discuss and share progress on the implementation of the GCM.

5. GCM and GCR implementation from a human rights perspective

17. The 2030 Agenda for Sustainable Development, adopted by the UN General Assembly on 25 September 2015, acknowledged the need to include all nations and all peoples in achieving the Sustainable Development Goals (SDGs). Sustainable development, security and peace are three interconnected concepts, and the only way to reach them is by leaving no one behind and ensuring the human rights of everyone. This includes migrants, internally displaced people and refugees, who need to be included in the national development frameworks.

18. The GCR and the GCM highlight the need for international co-operation between States, but also with other stakeholders such as international organisations, parliaments, city networks, civil society, faith-based actors, private sector, philanthropic and academic institutions. Considering that frameworks that protect migrants and refugees are already in place, the added value of the compacts is that both are frameworks for better co-operation in managing migration flows and refugee integration. Migrants and refugees' human rights can only be ensured by including the whole international community in measures. By signing the GCR and the GCM, States have acknowledged that they are all, to some extent, countries of origin, transit and destination. Currently, 85% of migrants and refugees are in developing countries, which is a huge burden, considering vulnerabilities that local communities already face.

19. The GCR calls upon States and other stakeholders to tackle the root causes of large refugee situations, including through heightened international efforts to prevent and resolve conflict, and to promote, respect, protect, and fulfil human rights and fundamental freedoms for all (paragraphs 8 and 9). Prevention and addressing the root causes is a key element of the notion of burden and responsibility-sharing and was identified as one of the areas that could be strengthened for the next Global Refugee Forum.

20. The role of a human rights-based approach, which should take into account the specific needs according to age, gender and diversity considerations,[22] is key for the effective implementation of the GCR and the achievement of its objectives: promotion of rule of law, good governance, building stronger institutions. It is crucial to deal with the potential drivers of displacement (impunity, gender-based violence), especially in fragile and conflict-affected situations.

22. www.unhcr.org/protection/women/4e7757449/unhcr-age-gender-and-diversity-policy.html.

21. Globalisation means that action taken in one State has consequences everywhere. In an interconnected world, multilateralism is not an option but the only way forward. Hence, the importance of parliamentary diplomacy, which is a very useful way to work on migration and refugee issues. Nevertheless, some states are praising "sovereignism" lately and are rejecting multilateralism. Far-right movements are using migration in order to increase fear in citizens and are creating a division between "us", the native-born citizens and the "others", migrants and refugees.

22. Hate speech against migrants and refugees undermines their human dignity and is dangerous for the cohesion of society, especially coming from political leaders. Assembly Resolution 2275 (2019) acknowledges the huge impact of parliamentarians' discourse. Lately, some States have also been implementing more restrictive migration policies based on prejudices against migrants and refugees. Several studies show that the contribution of migrants and refugees in the economy of the host community is bigger than the benefits the individuals may themselves receive.

23. Data collection is still a problem when it comes to better managing migration flows and assessing refugee integration. Therefore, there is a need for countries to improve their capacity to generate meaningful reporting on migration and refugee integration in the context of the SDGs. Steps must be taken to improve capacity to generate timely, reliable, and comparable data on migration and asylum to help guide policy makers in devising evidence-based policies and plans of action. Mechanisms to centralise all data collected and better data sharing between various levels of government and amongst countries will also improve policy coherence.

24. I would like to emphasise the need to uphold migrants and refugees' human rights and respect their human dignity. Ensuring respect for human rights is an obligation for every State. Furthermore, it had been proven that social cohesion is the best security measure for a society. When refugees have access to education, health system and the labour market, they can become self-reliant and can contribute to the local economy. It has been proven that when refugees are given the opportunity to support themselves and their families, they can make a positive contribution to the host society, empowering each other.

25. The situation of refugees and migrants is even more difficult in times of severe crises, such as the Covid-19 pandemic. The closing of borders has led to new irregular migration movements, with even longer and more perilous journeys at a time when search and rescue at sea has been curtailed, the risk of pushbacks has increased and disembarkation has become political bone of contention. Irregular migrants and asylum seekers have also had to face prolonged periods of detention in cramped conditions with severe risk of rampant epidemic spread. Women and children have become even more vulnerable to domestic violence while living in complicated stress situations. Specific measures must be put in place, therefore, to alleviate that pressure. In that regard, national parliaments should follow-up the recommendations agreed upon by the Assembly in its Resolution 2340 (2020) "Humanitarian consequences of the Covid-19 pandemic for migrants and refugees".

26. The European Economic and Social Committee has published an opinion concerning the cost of non-immigration and non-integration. It acknowledges that without immigration to Europe, member states' economies would suffer substantially and that demographic challenges would be aggravated. Migration comes in different forms: labour migration, education, migrants coming for a temporary humanitarian migration and irregular migration. All of them can make potential contribution to our societies. Refugees and migrants are not a threat, but an opportunity for host communities.

6. Institutional framework for the implementation of the GCM and GCR

6.1. United Nations agencies

27. Two UN agencies were responsible for leading the negotiation process of both compacts: the IOM was responsible for the GCM, and the UNHCR for the GCR. The United Nations, to support the implementation of the GCM, has created the UN Network on Migration,[23] a collaborative community of United Nations entities tasked with providing effective and co-ordinated support to member States and other partners in carrying forward the objectives agreed to in Marrakesh. It engages with external partners, including migrants, civil society, migrant and diaspora organisations, faith-based organisations, local authorities and communities, the private sector, employers' and workers' organisations, trade unions, parliamentarians, National Human Rights Institutions, academia, the media and other relevant stakeholders at global, regional and national levels.

23. https://migrationnetwork.un.org/.

28. The Inter-Parliamentary Union had stressed the importance of bringing a parliamentary dimension to the GCM prior to its adoption in Marrakesh, at the parliamentary conference held in Rabat on 6-7 December 2018. According to Senator Gabriela Cuevas Barrón, the IPU President, it was paramount that parliamentarians used their power "to protect migrants, particularly those in vulnerable situations, through the ratification and implementation of relevant international human rights treaties […] and to see to it that […] governments uphold their rights." [24] The responsibility of parliamentarians to protect migrants did not end with promoting their legal protection. Members of parliaments had to do their utmost "to stop the worrying trend in some quarters of holding foreigners responsible for home-grown problems that are not of their making", avoiding language that stokes the flames of xenophobia, using legislative power to punish the advocates of racism and other forms of discrimination, setting the right example and using political platforms to promote evidence-based narratives and policies offering balanced views about migration. "These views should foster mutual understanding and respect between migrants and the host society, as a two-way responsibility, as well as migrants' integration in society", she said.

29. A year later, at the Global Refugee Forum in December 2019, Mr Martin Chungong, the IPU Secretary General, speaking about the GCR, highlighted that parliament's role was "to represent and defend the rights of all, without exception". "The Global Compact for Refugees could not succeed without parliaments putting in place the right legislation, monitoring its impact, and holding governments to account for their actions", he said.[25] Mr. Chungong further emphasized during IPU-UNHCR Partnership Talks in February 2020 that "Parliamentarians, as representatives of the people, are well placed to listen to the people and to ensure that all voices are heard and taken into account" and crucial to promote comprehensive responses that bring on board all stakeholders, including refugees and communities. He noted IPU's work in partnership with UNHCR[26] and strategy to focus on information-sharing with parliamentarians on international commitments assumed by their countries, building internal structures, knowledge and skills so that parliamentarians can play an active role in building national and regional partnerships for targeted action.

30. The UN General Assembly, in its Resolution adopted on 4 September 2020, on the "Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union", "Invites the Inter-Parliamentary Union and the relevant bodies of the United Nations system to continue and enhance their cooperation in supporting governments in facilitating the orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies, and recalls the contribution of the Inter-Parliamentary Union in the preparatory process for the Global Compact for Safe, Orderly and Regular Migration (Resolution 73/195)". [27]

6.2. Council of Europe

31. The Council of Europe is implementing a series of projects to facilitate the integration of migrants and refugees in member States. For example, in order to unify the qualification and education assessment of migrants and refugees, the Council of Europe has started to implement the Pilot Project on the European Qualifications Passport for Refugees.[28] It is an assessment on the holder's higher education qualifications, work experience and language proficiency, which provides reliable information for integration and progress towards employment and admission in education programmes. The Council of Europe is also developing the Linguistic Integration of Adult Migrants (LIAM),[29] which provides assistance to member States in order to implement effective policies on linguistic support to adult migrants. The Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019)[30] was structured through the Office of the Special Representative of the Council of Europe Secretary General on migration and refugees.[31]

---

24. www.ipu.org/news/news-in-brief/2018-12/bringing-parliamentary-dimension-global-compact-migration.
25. www.ipu.org/news/news-in-brief/2019-12/presenting-parliamentary-solutions-refugee-forum.
26. See IPU-UNHCR Handbooks on Good Practice in Nationality Laws for the Prevention and Reduction of Statelessness, Guide on International Refugee Protection and Building State Asylum Systems, and Handbook on Nationality and Statelessness.
27. United Nations General Assembly Resolutions A/RES/74/304 and A/RES/73/195, www.un.org/en/ga/74/resolutions.shtml and www.un.org/en/ga/73/resolutions.shtml.
28. www.coe.int/en/web/education/recognition-of-refugees-qualifications.
29. www.coe.int/en/web/language-support-for-adult-refugees/home.
30. https://edoc.coe.int/en/children-s-rights/7362-council-of-europe-action-plan-on-protecting-refugee-and-migrant-children-in-europe-2017-2019.html.
31. www.coe.int/en/web/special-representative-secretary-general-migration-refugees.

32. The Council of Europe is well-positioned to play a strategic role in contributing to the implementation of the GCM, including through:

– advocacy for the elimination of statelessness and the protection of stateless persons within its member States, also based on the pledges and contributions made to the High-Level Segment on Statelessness[32] and the Global Refugee Forum;[33]

– enhancing and scaling up the European Qualification Passport for Refugees project;

– ensuring the effective protection of refugees and asylum seekers and the elaboration of inclusive policies and programmes. The Council of Europe could use its competence in the promotion and protection of human rights. This includes an effective mainstreaming of refugee rights in the implementation of the European Convention on Human Rights (ETS No. 5), as referred to in Article 1 (securing everyone within their jurisdiction the rights and freedoms defined in Section I and in its protocols), as well as in the European Social Charter (revised) (ETS No. 163);

– helping address the root causes of forced displacement by promoting human rights and rule of law within its member States, including supporting the efforts to avoid externalising international protection, as well as by offering technical support and expertise in building stronger institutions and promoting good governance in countries of origin of forced displacement.

33. The Council of Europe closely followed and contributed to both global compacts. The Special Representative of the Secretary General on migration and refugees participated in the consultation phase of both compacts orally and in writing during 2017, and engaged with the negotiation process in 2018 with the submission of written comments on the Global Compact on Refugees, underlining the importance of placing human rights protection at the heart of the text and the key role that the Council of Europe can play in helping European States especially achieve the objectives and actions envisaged in the Compact.[34] Speaking of Europe, as whole, I would like to stress that all Council of Europe member States should get involved in the implementation of both compacts at national, regional and world levels.

34. The Parliamentary has already devoted attention to these issues in reports and recommendations to member States and to the Committee of Ministers. Resolution 2275 (2019) highlights "The role and responsibilities of political leaders in combating hate speech and intolerance", including hate speech against migrants and refugees. Resolution 2244 (2018) "Migration from a gender perspective: empowering women as key actors for integration" highlights the importance of putting integration issue on the political agenda, as investing in refugee women's integration means investing in integration for future generations and development of peaceful, inclusive and cohesive societies based on respect for diversity. Resolution 2176 (2017) "Integration of refugees in times of critical pressure: learning from recent experience and examples of best practice" includes examples of good practices used by member States to integrate migrants and refugees in the economic, social and cultural life of the host community. Resolution 2175 (2017) "Migration as an opportunity for European development" challenges the common misconception that migrants are a threat to local populations and provides examples of how migrants contribute to increasing economic growth and to creation of national wealth.

6.3. European Union

35. During the GCM and GCR negotiations, the European Parliament Resolution 2018/2642 (RSP) highlighted the importance of the European Union and its member States taking a leading role in securing a strong people centred and human rights-based text. International human right treaties already recognise the human rights of all human beings, and therefore, EU member States need to uphold these rights paying attention to those most vulnerable. It also stated the importance of having a single EU position on this issue.

36. In June 2016, the Council of the European Union endorsed a New Migration Partnership Framework that fully integrated migration in the EU's foreign policy. The new approach rethought how all concerned actors – the European Union's member States, the EU institutions, and third countries – work together to better manage migration flows and strive for well-managed migration. It established a results-oriented approach to mobilise and focus all EU and member States' tools and resources for that purpose. The objective of the Framework was saving lives and breaking the business model of smugglers, preventing illegal

32. https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/.
33. https://globalcompactrefugees.org/channel/pledges-contributions.
34. See comments on draft 3 of the GCR: https://rm.coe.int/council-of-europe-srsg-on-migration-and-refugees-comments-on-draft-3-o/16808bc420.

migration and enhancing co-operation on returns and readmission of irregular migrants, as well as stepping up investments in partner countries[35]. The New Migration Partnership Framework contained similar ideas to those set out in the GCM.

37. On 23 September 2020, the European Commission presented a proposal for a new Pact on Migration and Asylum,[36] which should be, subsequently, approved by the European Parliament. It includes:

– a Communication on a New Pact on Migration and Asylum;

– a Proposal for a Regulation introducing a screening of third country nationals at the external border;

– an Amended proposal for a Regulation on the establishment of Eurodac (comparison of biometric data);

– an Amended proposal for a Regulation establishing a common procedure for international protection in the Union;

– a Proposal for a Regulation on asylum and migration management;

– a Proposal for a Regulation addressing situations of crisis and force majeure in the field of migration and asylum;

– a Commission Recommendation on an EU mechanism for Preparedness and Management of Crises related to Migration;

– a Commission Recommendation on cooperation among member Sates concerning operations carried out by vessels owned or operated by private entities for the purpose of search and rescue activities;

– a Commission Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence;

– a Commission Recommendation on legal pathways to protection in the EU.

38. The international community follows the developments in the European Union with great attention. The impact of EU decisions on the future implementation of the two compacts cannot be underestimated. In her address to the Human Rights Council on 14 September 2020, the UN High Commissioner for Human Rights, Ms Michelle Bachelet, encouraged “the European Commission and EU Member States to enhance genuine solidarity and strengthen human rights safeguards at EU external borders in the upcoming EU Pact on Migration and Asylum”. “Reports of pushbacks and collective expulsions at the sea and land borders of EU States – in violation of legal obligations and with grave consequences for the lives and rights of migrants – call for independent monitoring and verification”, she said and recalled to all countries “their obligation to cooperate in ensuring that migrants' lives are protected, and their human rights upheld, regardless of their administrative status”. She underscored that taking human rights norms as a basis for policy making in this area is key, as they “provide the tested guidance that can help States de-escalate grievances, deliver appropriate protection, establish a sound foundation for development and security, and ensure justice, freedom and rights”. [37]

39. This being said, the European Union cannot – on its own – face all the challenges related to migration. It cannot do it in isolation from the rest of the world. Migratory pressure will not ease with time and taking action in common with all other regions of the world is the only viable solution in response to future crisis situations. European countries should take action in a concerted manner, together with the rest of the world. Hence the importance of getting involved in the implementation of both compacts as soon as possible.

40. The EU has the capacity to make a strong impact on the success of GCR and GCM, provided it does the “right things”. We, as members of national parliaments, need to remain vigilant to ensure that these “right things” – the way we see them in our respective countries – are guided by the universally accepted principles of solidarity, respect for human rights and fundamental freedoms, and the rule of law.

41. In addition to the above, the European Parliament and the Parliamentary Assembly of the Council of Europe have strategic institutional roles to play in the implementation of the two compacts by promoting strong co-operation between the Council of Europe and the European Union as regards political dialogue, legislative work and co-ordination with national parliaments on European affairs.

---

35. https://eeas.europa.eu/sites/eeas/files/factsheet_ec_format_migration_partnership_framework_update_2.pdf.
36. https://ec.europa.eu/info/publications/migration-and-asylum-package-new-pact-migration-and-asylum-documents-adopted-23-september-2020_en.
37. Statement by Michelle Bachelet, UN High Commissioner for Human Rights, 45th session of the Human Rights Council, Item 2: Global Human Rights Update: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26226&LangID=E.

42. Our committee held an exchange of views on the European Commission's new Pact on Migration and Asylum on 16 October 2020. The aim was to discuss future action by national parliaments and future Parliamentary Assembly initiatives.

43. We should identify key policies that can have a positive impact on human rights protection of migrants and refugees in Europe, including in Council of Europe member States, which are not EU members. Enhanced co-operation between EU and non-EU member States might be necessary to create a new, truly pan-European solidarity mechanism, involving all Council of Europe member States – especially with regard to refugee protection. Co-operation between all Council of Europe member States is also necessary to better address the root causes of irregular migration and to combat migrant smuggling. Finally, States should do more to support children and the vulnerable, as it is proposed in the new EU Pact on Migration and Asylum, and European co-operation programmes should support such actions.

7. Next steps on the implementation and review of the GCM and GCR

44. The Global Forum on Migration Development (GFMD) hosted several events on the implementation of the GCM during 2019 with the participation of State representatives and members of international organisations.[38]

45. On adoption of the GCM, the High-level Dialogue on International Migration and Development was transformed into the International Migration Review Forum, which will serve as the primary intergovernmental global platform for signatories to discuss and share progress on the implementation of all aspects of the GCM, including in relation to the 2030 Agenda for Sustainable Development. The Forum is to be held every four years, beginning in 2022. Consultations to determine the modalities and organisational aspects are ongoing.

46. The GCR's follow-up and review will primarily be conducted through the Global Refugee Forum (GRF) every four years, an annual high-level officials' meeting held every two years between forums, and the High Commissioner's annual report to the General Assembly. The first Global Refugee Forum took place on the 17-18 December 2019 in Geneva. This was an opportunity for UN Member States and other stakeholders to announce concrete contributions and pledges towards the objectives of the Global Compact to achieve tangible benefits for refugees and host communities. The pledges submitted at the forum are the first GCR milestone; implementation of pledges is the next step and will require parliamentary action and involvement.

47. Notable commitments were made by global and regional parliamentary bodies and organisations through pledges submitted by the IPU, the Pan-African Parliament (PAP) and the Inter-Parliamentary Assembly of Member Nations of the Commonwealth of Independent States (IPA CIS) during the GRF[39] and High Level Segment on Statelessness[40]:

– IPU pledged to mobilise engagement of members of parliament on refugee and statelessness issues; committing to raise awareness of parliaments, at each IPU Assembly, on progress and challenges in developing comprehensive refugee responses: engage MPs, and in particular young parliamentarians and women parliamentarians, and support them in taking action in support of refugees and host countries. The IPU further committed to collect, with the UNHCR, good parliamentary practices and disseminate them to the parliamentary community; and organise, with UNHCR, dialogue, training and capacity building initiatives for MPs in legislative work, in addition to national pledges.

– PAP committed to advocate, within their constituencies, for the accession to the UN Conventions on Refugees and Statelessness,[41] as well as the ratification of the African Union Convention on refugee and internal displaced persons in Africa. The PAP further committed to develop training opportunities and model laws on the protection of refugees and stateless persons, and to promote responsibility sharing arrangements to support countries that receive large numbers of refugees.

– IPA CIS committed to develop and adopt a model law on refugees, to be submitted to CIS member parliaments as templates for improving national legislation with international, primarily European, legal standards adjusted to the CIS environment. The model laws adopted by the Interparliamentary Assembly are submitted to the CIS Member Nations as templates for improving national legislation. The

38. www.gfmd.org/.
39. https://globalcompactrefugees.org/channel/pledges-contributions.
40. www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/.
41. 1954 Convention relating to the Status of Stateless Persons; 1961 Convention on the Reduction of Statelessness

issues of migration, including forced migration, are particularly relevant in the Post-Soviet space. The development and adoption of the IPA CIS Model Law on Refugees will help establish minimum standards for parliaments in further developing or finalising national legislation relating to asylum.

48. Implementation of pledges is underway through UNHCR's partnership with global and regional parliamentary bodies and organisations. Some practical examples of collaboration include recent joint initiatives by the IPU and UNHCR, such as a series of Guidance Notes for Parliaments on Covid-19,[42] a roundtable on parliamentary responses to forced displacement in the region of the Intergovernmental Authority on Development (IGAD);[43] bringing together members of parliament from countries of the East and Horn of Africa and from the European Parliament for strengthening North-South parliamentary co-operation and effective parliamentary engagement in support of the GCR and comprehensive refugee responses at the national and regional levels.[44]

49. Developing parliamentary action plans to accompany the implementation of the pledges would also allow parliaments to plan and map out key actions required, and identify capacity needs to perform tasks efficiently. Members of parliaments can follow-up and contribute to the implementation of pledges through the GCR digital platform,[45] and iBelong Campaign,[46] which has a clear goal of ending statelessness by 2024.

50. The UNHCR and its partners stand ready to support parliaments in implementing the GCR. Such partnership have already translated into action in Africa through the Midrand Declaration.[47] The Declaration was adopted during the "African Regional Parliamentary Conference on Comprehensive Responses to Refugee Situations" organised by the IPU, the PAP and the UNHCR in 2019. The Midrand Declaration includes the commitments of participating members of parliaments on the implementation of the GCR.

51. In addition to law making and securing the funding for the implementation of international agreements of that kind, parliaments can and should do more to drive and monitor their governments' actions to ensure migrants' and refugees' human rights protection through the implementation of the two compacts. Parliamentary involvement is also instrumental for raising awareness and sensitising local populations on the plight of forcibly displaced persons and migrants. Participating – as members of national delegations – in the meetings of the relevant UN committees responsible for the implementation of the global compacts might be useful for collecting data and making specific recommendations on the GCM and GCR from a human rights perspective.

52. Such participation, however, may be difficult, given the fragmentation of the current intergovernmental architecture for discussing migration and asylum, and the limited awareness of international commitments undertaken by States at the national level. The adoption of the two compacts should lead to a better system, but this will take time. As stressed by the UN Secretary General, Mr António Guterres, in his report "Making migration work for all",[48] there are a number of forums in which member States address migration globally: the High-level Dialogue on International Migration and Development; the Second and Third Committees of the General Assembly; the Economic and Social Council, and, under it, the Commission on Population and Development and other relevant commissions; the high-level political forum on sustainable development; and the Human Rights Council. In addition, there are migration-relevant discussions in the governing bodies of many United Nations agencies, funds and programmes, alongside the governing body of the IOM. Finally, there is the current Global Forum on Migration and Development and the forthcoming International Migration Review Forum that will start meeting in 2022.

53. Member States should guide the direction of the work of the United Nations and oversee the commitments made in the two compacts. The UN Secretary General had urged member States to explore the possibility of rationalising some of the current oversight mechanisms with a view to maximising clarity over both governance and policy guidance on this issue. Parliamentarians, should, therefore, follow-up on this request, check the position of their national delegation on this issue, and see to it that progress be made to

---

42. www.ipu.org/gender-and-covid-19-guidance-note-parliaments.
43. The member States of IGAD are: Djibouti, Ethiopia, Eritrea, Kenya, Somalia, the Sudan, South Sudan and Uganda: https://www.uneca.org/oria/pages/igad-intergovernmental-authority-development#:~:text=The%20member%20States%20of%20IGAD,Sudan%2C%20South%20Sudan%20and%20Uganda.
44. www.ipu.org/event/parliamentary-responses-solutions-forced-displacement-in-igad-region.
45. https://globalcompactrefugees.org.
46. www.unhcr.org/ibelong/.
47. www.ipu.org/event/african-regional-parliamentary-conference-comprehensive-responses-refugee-situations-effective-parliamentary-approaches#event-sub-page-documents/.
48. See Document A/72/643, 12 December 2017, para. 77-80.

create a better oversight system worldwide. Developing a parliamentary action plan to accompany the implementation of State pledges made at the Global Refugee Forum would allow parliamentarians to plan and map action required and identify capacity needs for respective legislative reform.

54. An issue that will definitely need the attention of members of the Assembly, is the issue of conditionality of international aid. This issue should be addressed with respect to, on one hand, international aid to countries of origin of migrants and refugees, and, on the other, with respect to the international support mechanism, including the use of the European Structural Funds and the EU External Action support mechanisms, for member States of the Council of Europe that receive migrants and refugees. Generally speaking, coherence between EU internal and external relations regarding human rights is required.[49] I am thinking about the recent reports of problems at the border between Croatia and Bosnia and Herzegovina and then evictions from the Bira centre in the town of Bihac and the transferring of people to a tent camp in Lipa in Bosnia and Herzegovina, which is extremely worrying and should stop. It is also worrying to see much evidence of refoulement happening in EU member States and other European countries.

55. To help prevent refoulment, measures to ensure equitable burden and responsibility sharing should be put in place at European level. In this respect, the European Union should push its member States for a more efficient migration and asylum policy, including greater solidarity towards frontline countries. A Union should act as a Union, united to face current and future challenges. More needs to be done to alleviate the pressure on frontline countries, including by supporting emergency accommodation for asylum seekers, assisting in voluntary resettlements, returns and reintegration, as well as preventing migrant smuggling, using all the means available to the European Union.

56. Even more worrying is the escalation of conflicts in the Council of Europe member States, including the most recent conflict between Armenia and Azerbaijan. I hope that members of the Assembly and their national parliaments, can take a stronger stand in promoting dialogue and peace in the region.

49. Mechanisms to Protect Human Rights in the EU's External Relations, Yumiko Nakanishi, 2017, https://link.springer.com/chapter/10.1007/978-981-10-6129-5_1.