

Resolution 2379 (2021)¹

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

Parliamentary Assembly

1. Today, the number of forcibly displaced people in the world exceeds 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 its 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 United Nations General Assembly. These voluntary, non-binding, international instruments represent an unprecedented push forward for the protection of the human rights 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, each with different commitments and actions 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 the 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 to 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 the return of refugees in safety and dignity. The GCR is grounded in the international refugee protection regime, centred on the cardinal principle of *non-refoulement*, at the core of which is the 1951 Geneva Convention relating to the status of refugees and its 1967 Protocol.

5. The Parliamentary 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 the 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, human rights, democracy and the rule of law.

6. The Assembly therefore calls upon national parliaments to take steps towards the adoption and implementation of the GCM and 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.

1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 28 May 2021 (see [Doc. 15229](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Nicos Tornaritis).



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 to 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 of populations;

7.2. act to promote democracy, human rights and the rule of law by offering their expertise in building stronger institutions and promoting good governance in countries of origin of forced displacement; improve their country's 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 the provision of emergency accommodation for asylum seekers, assisting in voluntary resettlement, returns and reintegration, and in preventing migrant smuggling. Parliaments should also be more vocal in promoting international solidarity towards refugees and migrants by 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 pressures on refugees and migrants in times of health pandemics and take specific measures to alleviate those pressures. 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: they are constituency representatives and local or quasi-ombudspersons, orators, lawmakers and policy makers, 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 through their daily work and functions:

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

8.1.1. strive to make a difference by relaying to their constituencies the meaning of the two United Nations global compacts. They should raise awareness about the compacts, shape public opinion and relay their constituents' views on the matters raised by the compacts. They should deal constructively with the issues and concerns raised by those who speak against the two compacts;

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 the essence in ensuring that no one is left behind and that no voice is under-represented. Building a common understanding, working towards a favourable, open, inclusive societal environment, and addressing stereotypes and discrimination are of the 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 global level in their law-making actions, starting with the Sustainable Development Goals contained in the United Nations 2030 Agenda for Sustainable Development, through which countries from around the world committed themselves 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 by protecting people in transit and on arrival. Legislation and legislative reform are two of the primary tools for responding to needs and protecting those that are fleeing as well as the host communities. Measures put in place should be developed in 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, of the 31.5 million refugees and displaced persons for whom age-disaggregated data were available, 16.3 million – 52% – were children under the age of 18;

- 8.2.4. act to ensure that their country's international commitments based on the existing universal human rights treaties are respected. In this respect, they should help fulfil the Council of Europe's substantive pledges to implement the GCR, 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 Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession (CETS No. 200);
- 8.2.5. create the necessary legal frameworks to allow for the implementation of best practices for refugee and migrant integration through initiatives in education, employment and social cohesion. 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 parliaments 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 the actions required and to identify capacity needs for the related legislative reforms;
- 8.3.2. take part in and oversee the implementation of both compacts using a multistakeholder partnership approach as a key tool for burden and responsibility sharing, thus helping to combine efforts to implement both compacts;
- 8.3.3. ask their government to include the needs of refugees and forcibly displaced persons in multiannual national and regional development planning, and to ensure regular monitoring of the implementation of the relevant laws and 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 in a timely manner. Parliaments should further develop their technical expertise as regards the follow-up of international pledges;
- 8.4. as regards international parliamentary diplomacy, members of parliaments should:
- 8.4.1. use international parliamentary diplomacy to promote their country's adherence to the two compacts and its 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 United Nations Network on Migration through their national delegation;
- 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 Pact on Migration and Asylum, building synergies, where possible, with the relevant processes for the implementation of both United Nations compacts;
- 8.4.4. ensure that they are informed about progress made in the implementation of the two United Nations compacts at global 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.