

## **EU input to the UN Secretary-General's report on the Global Compact for Safe, Orderly and Regular Migration**

The future Global Compact on Migration should be a **non-legally binding document** resulting from an intergovernmental process, at the same time going beyond the declaratory nature of the New York Declaration by setting forth specific priorities and actions/chapters and linking them to a follow-up and monitoring mechanism.

### **I. Introductory part**

The introductory part should provide a clear overarching *narrative* aiming at facilitating safe, orderly and regular migration, which recognises both opportunities and challenges, and reaffirms the principles as embedded in the New York Declaration, also drawing on the 2030 Agenda for Sustainable Development and its transformative vision for a sustainable future and its principle of leaving no-one behind. The Global Compact should aim at providing long-term, sustainable and comprehensive solutions for the benefit of all parties involved, taking into account their interests and competences. It should promote a comprehensive approach to migration encompassing measures to address and reduce irregular migration, address return and readmission and at the same time facilitate opportunities for safe, orderly and regular migration recognizing labour market needs and demographic trends and taking into account national competences in migration policies.

### **II. Priorities**

The operational part should set out a **Programme of Action of result-oriented commitments** to be structured under general themes taking into account the topics of the 6 thematic consultations. The Secretary General's report could usefully draw on the existing expertise and experience in the field of migration in all its dimensions, including the humanitarian, developmental, human rights and other dimensions within the UN system, in particular the IOM. Priority areas could include:

#### ***Human rights of all migrants and protection of migrants in vulnerable situations***

- *Reaffirm the purposes and principles of the Charter of the United Nations and of the Universal Declaration of Human Rights. Recall the core international human rights treaties and that States must fully protect the human rights of all migrants, regardless of status; all are rights holders; ensure that human rights are at the centre of all policies addressing large movements of migrants; at the same time recall the obligation for all members of society, including migrants, to fully observe the fundamental values of respect of human dignity, freedom, democracy, equality, the rule of law, and the respect for fundamental rights as well as laws and regulations of their host countries;*
- *While highlighting the importance of the effective protection of human rights and fundamental freedoms of all migrants, pay particular attention to addressing the specific needs of migrants in vulnerable situations, including women at risk, children, including those who are unaccompanied or separated from their families, persons with disabilities, persons who are discriminated against on any basis, victims of violence, victims of trafficking in human beings; promote protection of migrants in vulnerable situations in line with existing international conventions and standards;*
- *Highlight the need to protect the human rights and fundamental freedoms of all migrant children, regardless of their status; ensure that the best interests of the child should be a primary consideration in all actions concerning children; promote alternatives to detention; strive to provide migrant children with a nurturing environment for the full realization of their rights and capabilities, including promoting birth registration, access to basic services such as healthcare, sanitation and education, as well as targeted support to children with specific needs, such as children with disabilities;*
- *Mainstream a gender perspective; promote gender equality and the empowerment of all women and girls, tackle the multiple and intersecting forms of discrimination against migrant women and girls, combat all forms of violence, including trafficking for the purpose of all forms of ~~sexual~~—exploitation and sexual and gender-based violence against women, men, girls and boys and meet their gender-specific psychosocial, health, and other needs;*

- *Ensure, as appropriate, access to basic services, including gender, child and disability responsive services for migrants with particular reference to access to education, health care, justice and language training;*
- *Promote access to consular protection and assistance in transit by helping States build their consular capacities and enhance cooperation in this regard;*
- *Reaffirm the importance of the social and economic inclusion of legally staying migrants, recognising that the cost of non-inclusion exceeds the cost of inclusion; also stress the importance of participation, interaction and cohesion by legally staying migrants and receiving societies with the aim of facilitating equal enjoyment of human rights and fundamental freedoms;*
- *Promote bringing national legislation, regulation and policies as well as bilateral and multilateral agreements and codes of conduct in line with ILO's General principles and operational guidelines for fair recruitment.*

### ***Addressing the drivers of migration, including climate change impacts and natural disasters and human-made crises***

- *Reaffirm commitment to address drivers of migration in line with the commitments under the 2030 Agenda to leave no one behind; reaffirm the need to cooperate internationally to ensure safe, orderly and regular migration by implementing in full the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs); promote more coherent approaches, including to the nexus of humanitarian assistance and development cooperation;*
- *Expand and share evidence base on the complex migration dynamics, as well as on the underlying drivers and triggers of migration and their interaction and invest in continuous learning and knowledge exchange in this regard;*
- *Address potentially destabilising effects of climate change on migration, including through climate risk assessments and support to capacity-building;*
- *Reaffirm commitment to full implementation of Paris Climate Agreement and Sendai Framework for Disaster Risk Reduction. Commit to improve data collection and analysis, including data disaggregated by sex, age and migration status, to enhancing knowledge on and strengthen protection and assistance frameworks for climate change and disaster-induced displacement;*
- *Integrate human mobility and migration management into disaster risk reduction policies, preparedness and early-warning mechanisms and climate change adaptation strategies; in this regard, recognise the Agenda for the protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change resulting from the Nansen Initiative and its follow up Platform for Disaster Displacement as an important platform to guide all stakeholders' actions in response to the needs of persons displaced by disasters;*
- *Reaffirm the importance of addressing drivers of migration through an integrated approach to conflict and crises, as was prioritised by the EU's Global Strategy. In that regard migration related aspects should be duly taken into account when working on conflict prevention and crisis management planning and implementation.*

### ***Migration and development, including remittances and portability of earned benefits***

- *Recognise the positive contribution of migrants for inclusive growth and sustainable development, as stated in the 2030 Agenda, and at the same time its complex challenges for host societies; acknowledge that well-governed regular migration can contribute, through coherent and comprehensive responses, to sustainable development for countries of origin, transit and destination, including through supporting the development of countries of origin through social and financial remittances. The contribution of migrant women should be recognized in this regard;*
- *Increase international cooperation to ensure and enhance safe, orderly and regular migration, and reaffirm the opportunities that regular migration can bring in terms of contribution to development, by implementing in full the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs); recall the relevance to mainstream migration into development sector policies in a*

*coordinated manner between relevant stakeholders; and encourage whole-of-government approaches to migration and development in order to build synergies between policy areas.*

- *Support the facilitation of economic, social and cultural engagement and investments of the diaspora in countries of origin and reaffirm the positive role that diasporas can play in favour of better social and economic integration of migrants in countries of destination;*
- *Emphasise the role that remittances of migrants who are legally staying in host societies can play for socio-economic development as well as an entry point for financial inclusion and financial literacy and as such support the achievement of SDG target 10.c on lowering the costs of remittances, including through enhancing competition and predictable regulatory framework; encourage investment of remittances in the development of the countries of origin; call for improved access to financial services and products for migrants and their families who are legally staying in host societies;*
- *Strengthen, as appropriate, the capacity of social security institutions and improve administrative arrangements as a necessary condition for guaranteeing social rights and obligations of legally staying migrants; promote portability of earned benefits for legally staying migrants in accordance with national law, including in the framework of bilateral agreements.*

### ***Promoting international governance of migration, including through effective cooperation on return, readmission, integration and reintegration***

- *Build on and reinforce the principles of solidarity and shared responsibility in managing large movements of migrants and promote and protect human rights of all migrants. Promote the elaboration of comprehensive migration policies and strategies at national level, encompassing all aspects of migration; strengthen institutional, administrative and technical capacities of government and other stakeholders alike, for effective implementation of migration strategies at national level;*
- *Encourage streamlining and development of migration governance within the UN system. Highlight the need to build on the vast operational experience of the International Organization for Migration as the lead agency on migration within the UN system. Promote greater coherence in multilateral efforts to facilitate safe, orderly and regular migration, through different global and regional processes, including the Global Forum on Migration and Development.*
- *Promote better global, regional and bilateral migration management and closer cooperation among countries of origin, transit and destination, including effective cooperation on return and readmission. In this respect, emphasize the obligation of all States, as enshrined in international law, to accept without condition the return and readmission of their nationals who do not have the right to stay on other States' territory, and call upon States to cooperate effectively towards that end, notably by swiftly identifying their own nationals and issuing travel documents, including through establishing reliable means of identification for own nationals by adding biometric identifiers in population registers;*
- *Recall the sovereign right of States to determine whom to admit to their territories and under what conditions, subject to that State's international obligations;*
- *Ensure that returns and readmissions are carried out safely and effectively, in a dignified manner, in full compliance with international law, including international human rights, international refugee law and in particular the principle of non-refoulement;*
- *Recognize the prioritization of voluntary return and the importance of providing effective and sustainable reintegration assistance for returnees into the country of origin and ensure effective monitoring of the arrival and reintegration measures;*
- *Promote social cohesion between migrants and receiving societies.*

### ***Addressing irregular migration, including trafficking in human beings and smuggling of migrants, and through promoting border management***

- *Acknowledge that States have sovereign rights and responsibilities to manage and control their borders, and ensure that border management is carried out in accordance with applicable obligations under international law, including international human rights, international refugee law, the respect of the principle of non-refoulement and the prohibition of collective expulsion;*

- *Promote capacity building and the development of national and regional strategies on integrated border management, also with the objective of preventing and stemming irregular migration flows and addressing trafficking in human beings, for all forms of exploitation, as well as migrant smuggling, including through enhanced operational co-operation, joint prosecutions and investigations, joint training, information campaigns and the exchange of best practices;*
- *Strengthen national and international measures to combat trafficking in human beings and smuggling of migrants acknowledging their multi-faceted dimension; recognise that smuggling of migrants, often facilitated by organised crime networks, can further exacerbate the drivers of migration and foster irregular migration, by exploiting in particular migrants in vulnerable situations in host as well as transit communities, violating their human rights and putting at risk their lives and health; in this context, recognise the importance to combat trafficking in human beings and smuggling of migrants as well as to promote, as appropriate, measures to protect migrants, regardless of their migratory status, from violence from smugglers and traffickers and assist and protect victims of trafficking from all forms of exploitation;*
- *Promote enhanced bilateral and regional dialogues and (operational) cooperation with relevant partners, in particular between countries of origin, transit and destination, on the prevention of smuggling of migrants and trafficking in human beings and the prosecution of smugglers and traffickers; work towards improved data collection, including data disaggregated by sex age and migration status, sharing and exchange of data and enhanced international cooperation to this end;*
- *Encourage all relevant stakeholders to increase migrants' and potential migrants' awareness of dangers of irregular migration, ensure information awareness campaigns at appropriate level, and seek coordination, where necessary, to increase their effectiveness.*

### **Promoting regular pathways**

- *Facilitate opportunities for safe, orderly and regular migration, in accordance with the commitment in the 2030 Agenda, including, as appropriate, employment creation, labour mobility at all skills levels, circular migration, family reunification and education-related opportunities, while recognising national competences, the situation and needs of the labour market in the host countries and also considering and strengthening capacities of the host societies; foster mobility schemes for students and researchers, as well as highly skilled migrants;*
- *Recognize the need for increased cooperation between origin and destination countries on the recognition of skills and qualifications across borders;*
- *Support fair and ethical international recruitment of legally staying migrants, along the ILO's General principles and operational guidelines for fair recruitment adopted in September 2016; acknowledge that implementing and promoting the ILO General principles and operational guidelines for fair recruitment and the Protocol of 2014 to the Forced Labour Convention, and its accompanying Recommendation, can prevent and address abuses and ensure transparency and efficiency; stress that effective implementation of fundamental principles and rights at work for migrants and decent work should inform the overall approach to labour migration; promote the freedom of association as a fundamental right and an enabling condition for the realization of decent work;*
- *Recognize the importance of creating a level-playing field between migrant and national workers by ensuring equal treatment and non-discrimination to legally staying migrant workers, the application of the same labour standards, including on occupational safety and health and social protection, and that of the ILO's General principles and operational guidelines for fair recruitment.*

### **III. Follow-up and review mechanism**

Following the adoption, continuity and sustainability of the Global Compact on Migration is of paramount importance in order to ensure that global governance of migration remains firmly embedded in the international agenda and in the UN system. Taking into account the **non-legally binding nature of the future Global Compact on Migration**, in the **concluding part, the Global Compact on Migration** could

set up *a dedicated follow-up and review mechanism* of the implementation of the action-oriented political commitments in line with the following general principles. It should:

- be of a **non-legally binding nature**;
- be an efficient, light and responsive process;
- be based on the **framework of existing UN fora**;
- **not lead** to the creation of **any new structure**.

Concrete ways and arrangements of monitoring (such as frequency, reporting modalities) could be identified at a later stage. The existing mechanisms that are already charged to assess progress towards the achievement of the migration-related commitments in the 2030 Agenda (such as High-level Political Forum on Sustainable Development (HLPF) or UNGA High-level Dialogue on International Migration and Development) could provide some inspiration for further discussion and possible linkages, where appropriate, with the Global Compact on Migration. IOM's leading role on migration should be reaffirmed in the follow-up and review process of the Global Compact on Migration. Consideration should also be given to make best use of IOM's policy and technical expertise in this regard. The Global Forum on Migration and Development could also provide additional input to the follow-up and monitoring process, however, its informal and government-led nature should be retained.

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With regard to the "**means of implementation**", as mentioned in the course of the negotiations on the Modalities resolution, we consider that it should not **impact Member States assessed contributions**.