



Bern, 19 September 2017

Switzerland's response to the request on 17 July 2017 for input into the UN Secretary-General's report on the global compact for safe, orderly and regular migration

1. Structure and elements of a global compact for safe, orderly and regular migration (global compact), including its purpose, goals, challenges and opportunities

The *overarching goal* of the global compact should be the formulation of an ambitious, politically binding, human rights-based global framework, setting down globally recognised principles, guidelines and objectives in view of comprehensive global migration governance. It should build on the generational achievement of the 2030 Agenda for sustainable development and other international commitments; adopt a human rights-based and gender sensitive approach and set down globally recognised principles, guidelines and objectives for addressing the challenges and opportunities of migration.

With reference to the *structure and elements*, the global compact for safe, orderly and regular migration should be centred on **globally valid principles**, which can subsequently be translated into **actionable commitments** and **means for implementation**. The global principles can also be understood as overarching objectives (comparable to the 17 Sustainable Development Goals or the Principles for Action in the report by the Global Commission on International Migration). The global compact should contain no more than 10 of such principles or objectives. An example for a global principle: *“Reduce the financial and social costs of migration.”*

The **actionable commitments** should set out the global principles in detail. Accordingly, they should ideally indicate a time frame, and be defined in specific, measurable, attainable and realistic terms, e.g.: *“By X, over 50% of migrant workers are able to benefit from fair and ethical recruitment practices.”* In areas where sufficient political consensus and/or operational guidelines do not yet exist, commitments can also be defined somewhat more broadly, in other words, without a direct influence on practice within the related field. An example for this could read as follows: *“Develop global standards for the protection of unaccompanied minors by 2021.”*

Means for implementation are directly linked to the actionable commitments. The means should therefore always be considered in parallel to discussions on the objectives – the question of “what” we want to achieve has to go in parallel to the “how”. In addition to the means of implementation linked to specific commitments, the global compact should include a section on general means of implementation, comparable to SDG 17. We would consider the means of partnership, policy coherence and coordination, to be as critically important as the general means of implementation.

Migration governance should be based on **partnerships** between states, as well as between states and relevant non-state actors such as the private sector, civil society, trade unions, international organisations, academic institutions, and migrant and diaspora organisations.

In addition, migration policies at all levels should be implemented **coherently** and in synergy with other policy areas (including development policy, peace policy, humanitarian policy and aid, human rights policy, business development, education, employment, trade).

Furthermore, migration governance should be based on **horizontal coordination mechanisms** at local, national, regional and global levels, as well as within multilateral systems. Simultaneously, coordination is necessary between the different levels – in other words, **vertical coordination**.

2. Actionable commitments that may be included in the global compact on migration

In addition to the important consultations of both governments and non-governmental actors taking place in thematic sessions, regional consultations and in many other fora, there are additional sources for inspiration regarding possible actionable commitments. Notably the Sutherland Report has proposed a number of valuable ideas. Inputs should also be sought from the Global Forum on Migration and Development, the Global Forum for Remittances, Investment and Development, Regional Consultative Processes or relevant policy discussions and initiatives by international organizations, notably IOM, but also ILO, WB, UNDP, OHCHR, WHO or UN Women (notably their work done to ensure the inclusion of all women's rights in the global compact) as well as civil society, among others the work led by Terre des hommes and Safe the children.

Recognizing that a comprehensive global migration governance will cover a broad spectrum of issues, we do limit our input to Switzerland's four thematic priorities for the global compact at this stage: **(i)** forced and irregular migration; **(ii)** protection of migrants' human rights; **(iii)** labour migration; **(iv)** inclusion, integration, return and reintegration.

With regard to **(i) forced and irregular migration**, the global compact should contain stipulations to the effect that:

- states recognise the importance of the peaceful resolution of armed conflicts and compliance with international law, in particular international humanitarian law and human rights, for the reduction of forced migration and displacement;
- in accordance with the goals of the 2030 Agenda – particularly the requirement to “leave no one behind” – and with the principles of development cooperation, states commit to reducing the structural causes of forced migration by promoting economic development, and by adopting measures in areas such as health, education, combating corruption, adaptation to climate change, disaster risk reduction and good governance;
- measures are enshrined within the global compact to prevent internal displacement and to protect internally displaced people, based on the Guiding Principles on Internal Displacement and further international norms and standards;
- measures are enshrined within the global compact to promote integrated border controls that safeguard state commitments, particularly in the field of human rights;
- states commit to creating the necessary framework and partnerships for reducing human trafficking, and to strengthening cooperation with the police and legal authorities to this end;

- insofar as national circumstances allow it, states offer options to diversify regular migration channels and suggest measures to implement them.
- special attention is paid to closing any gaps between the two compacts in order to avoid a failure to address the protection needs of persons who are displaced or forced to migrate but are not covered by the current protection regime, primarily the Refugee Convention of 1951¹, and that aspects related to the phenomenon of displaced persons are dealt with in both compacts in an adequate and coherent manner.

With regard to **(ii) protection of migrants' human rights**, the global compact should contain stipulations to the effect that:

- commitments are enshrined to recognise and protect migrants' human rights, regardless of their migration status;
- a process is initiated to develop globally acceptable principles for the protection of migrants in vulnerable situations;
- bilateral and multilateral partnerships are promoted, as is the development of capacities within the field of consular protection;
- appropriate measures for combating human trafficking more effectively;
- a process is initiated for the development of global standards for the protection of unaccompanied minors (in cooperation with the UN Committee on the Rights of the Child);
- a process is initiated for the development of alternatives to the administrative detention of children and minors.

With regard to **(iii) labour migration**, the global compact should contain stipulations to the effect that:

- provision is made for the promotion of regional and interregional, as well as regular and safe labour migration;
- all stages of circular labour migration are reviewed, and, in this context, measures are suggested that encompass information and training, orientation upon arrival, return and reintegration;
- states make political commitments, following ILO guidelines, to employ fair and ethical recruiting principles within the field of labour migration;
- states are urged to press for decent pay and working conditions, particularly in economic sectors where there is a high risk of exploitation such as domestic labour, and to suggest further measures for improved legal protection;
- states are urged to ensure that all important social partners are involved in the development and implementation of strategies in the field of labour migration;
- a multi-stakeholder platform on qualifications, skills and mobility is launched.

With regard to **(iv) inclusion, integration, return and reintegration**, the global compact should contain stipulations to the effect that:

- measures are included for the prevention of discrimination, racism and xenophobia;

¹ This concerns for instance persons displaced in the context of disasters and climate change or persons awaiting the determination of status and therefore being particularly vulnerable.

- states are urged, in close cooperation with local actors (e.g. municipalities) and the private sector, to implement measures to promote the social, economic and cultural integration of migrants, a process which also requires willingness and appropriate conduct on the part of the migrants themselves, as well as the involvement of host societies and the consideration of their needs;
- states are urged to guarantee all migrants access to health care, legal recourse and primary and secondary education;
- states are urged to grant all migrants access to financial services, and, in partnership with the private sector, to develop specific financial instruments that contribute to the financial inclusion of migrants and their families, as well as to the reduction of the remittance transfer costs;
- the contributions made by diasporas to sustainable development are recognised, and framework conditions are created to ensure that these contributions, which may take the form of social remittances (transfer of knowledge and competences, network formation, cultural capital, innovation and entrepreneurship, etc.), stimulate development in both the country of origin and the country of destination;
- return and reintegration are recognised as components of regular migration and promoted as measures that stimulate the development of countries of origin;
- provision is made for the continuation of global and regional discussions on return and reintegration as an integral part of a comprehensive migration system stipulating that voluntary return is always the preferred option, and, in the medium term, shared guidelines are established, including a commitment by states to readmit their own citizens as acknowledged in the New York Declaration.

3. Means of implementation and a framework for the follow-up and review of implementation

The primary responsibility for the implementation of the global compact lies with the states. This should entail a clear recognition of the role of local authorities where appropriate. The important role of regional and subregional platforms and processes should be appropriately reflected and promoted within the global compact, in particular with a view to developing and implementing solutions that are adaptable to the diverse realities within the regions. The overall objective of the global compact should be to find global solutions to global challenges; however, pragmatic solutions for the implementation of certain goals should also be produced through bilateral cooperation or by smaller groups of interested states (minilateralism).

As states have different capacities for the implementation of the global compact, appropriate provisions for instruments to support states in reaching its goals should be included in the compact. This should be aligned with national implementation plans of the global compact. In recognition of the central role played by non-state actors within the field of migration, the compact should also contain objectives that provide for the involvement of the private sector, civil society, trade unions, academic institutions and migrant and diaspora organisations.

We do expect a strong leadership by the UN system to partner with governments and other stakeholder for the implementation of the global compact. The SG-report should hence outline a clear strategy to review and invigorate its coordination and cooperation mechanisms, including but not only in light of IOM's recent accession to the UN family and their role as *primus inter pares*, with

the objective to ensure system-wide coherence. This strategy should also, where relevant, reflect the ongoing review of the UN Development System.

The review process of the global compact should rely on existing mechanisms. In addition to national and regional level mechanisms that should play a complementary role, we do envisage at the technical/senior expert level an important role to be played by the Global Forum on Migration and Development (GFMD). The GFMD is currently preparing a substantive report to the global compact that will also address this question and we do not want to pre-empt that process. On a *political level*, a review should take place every four years within the framework of the UN High-level Dialogue on Migration and Development, and, through this dialogue, be integrated into the High-level Political Forum on Sustainable Development. Other actors, in particular from civil society and the private sector, should also be invited to develop implementation reports and participate at review discussions.