

Global Alliance of National Human Rights Institutions
Palais des Nations, Office B423-425
1211 Genève, Switzerland
Tel + 41 22 917 16 74
www.ganhri.org



GANHRI INPUT MEXICO STOCKTAKING CONFERENCE GLOBAL COMPACT MIGRATION 4-6 DECEMBER 2017

Focus: Accountability, Implementation & Monitoring (Follow-up and Review)

The Global Alliance of National Human Rights Institutions (GANHRI) welcomes the transparent, objective and inclusive dialogue which have so far marked the process and congratulates the Co-Facilitators for the excellent leadership towards the Global Compact on Safe, Orderly and Regular Migration. **GANHRI seizes the opportunity to contribute to the stocktaking conference of the Global Compact with an input on implementation, monitoring and accountability mechanisms.** This input complements GANHRI's previous contributions to the topics covered in the six thematic sessions as well as the input for the report of the SRSO.

All human beings have human rights, irrespective of their migratory status. GANHRI expects the Global Compact on Migration to fully comply with international human rights obligations, in particular the rights to non-discrimination and decent work. To entrench the expected gains from the GCM, States should proceed to ratify and implement the international core human rights treaties as well as the core labour standard conventions of the ILO.

In their 2015 Merida Declaration on SDGs, NHRIs committed to using their unique mandates and positions to play a bridging role between stakeholders and promote transparent, participatory and inclusive national processes of implementation and monitoring. National Human Rights Institutions call upon the international community to establish a Global Compact which promotes compliance with the Agenda 2030, particularly its migration-relevant goals, targets and indicators. As National Human Rights Institutions, we are equally committed to supporting the implementation of the future Global Compact on Migration using our mandate and bridging function and to promote national implementation processes in accordance with human rights obligations of states.

Accountability, monitoring and implementation as international standard

Accountability is a horizontal human rights principle embedded in all human rights instruments and particularly in Art. 2 ICCPR. It comprises responsibility, answerability, measurability and enforceability. In built accountability mechanisms and processes therefore ensure a consistent tracking of progress on state commitments.

International treaties and agreements such as human rights core treaties, ILO conventions, the Paris agreement, and the Agenda 2030 all provide for accountability mechanisms that require states to report regularly against set targets or standards, in a transparent manner and with the institutionalized participation of civil society and other non-state stakeholders such as National Human Rights Institutions, trade unions and professional bodies/associations where appropriate, including through parallel reporting by these agencies.

These accountability mechanisms are the result of hard earned lessons: without accountability, there is no implementation, without clear commitments, there is nothing to measure progress against, without transparency there is no certainty whether states are acting on their commitments and the participation of non-state stakeholders institutionalizes their watchdog roles without which, there would be no coherent and systemic and systematic manner to hold states accountable.

Accountability thus also addresses the power imbalances by recognizing that rights holders are often vulnerable and powerless in comparison to the duty bearers, both at the international level as well as the national level. Accountability thus ensures that the voices and concerns of rights holders are given equal chances. In addition, migration issues are by nature cross boundary and multilateral since a decision by one state might affect migrants currently staying in another. This requires transparent international monitoring.

GANHRI proposes six principles for the accountability mechanisms of the Global Compact Migration at the international and national level:

- 1) Coherence
- 2) Transparency
- 3) Independence & Accountability
- 4) Participation & Inclusiveness
- 5) Outcome-orientation
- 6) Exchange and learning

Accountability, implementation and monitoring at the international level

The Global Compact should include the following elements for accountability at the international level:

- 1) Coherence

The Global Compact on Migration will be part of a set of international treaties and agreements relating to migration which should reinforce and complement. Any proposed accountability mechanism for the GCM needs to incorporate the consideration and take into account state reports to international treaty bodies (as well as regional where applicable), the UPR, ILO conventions as well as reports by UNHCR and IOM. The GCM should be closely interconnected with the migration-relevant SDG goals, targets and indicators, which are to be included in the Global Compact on Migration¹. The UPR of the UN Human Rights Council as well as the HLPF on

¹ 4b scholarships, 5.2. violence against women/trafficking, 8.7. eradicate forced labour/trafficking human being, 8.8. labour rights, 10.7. facilitate orderly, safe, regular and responsible migration & mobility, 10.c. remittances/reduction transaction costs, 16.2. end abuse, torture, trafficking of children, 17.18. disaggregated data incl. migratory status

Sustainable Development should be encouraged to report on migration-related issues in a systematised way linking it to the GCM.

2) Transparency

The information provided by states as well as other bodies should be freely accessible on a dedicated website which provides quick access to country assessments as well as horizontal topics.

3) Independence & Accountability

In order to facilitate objectivity in the implementation of the GCM, the GCM should foresee the establishment of an independent technical body responsible for monitoring the implementation and providing accountability. The GCM should also specify its tasks:

- to review states' reports and complementary reports by other stakeholders and provide impartial, non-politicized research and guidance. The review should take place on a regular basis and result in concrete recommendations;
- compile the experiences in periodic reports on horizontal issues, thus contributing to a knowledge base;
- monitoring non-compliance of states.

4) Participation and Inclusiveness

Relevant actors such as NHRIs, Civil Society, Trade Unions, Employers' Organizations, appropriate professional bodies/associations, migrants and their family members, migrant self-representing organizations should be integrated systematically into reporting and information, by providing them with the opportunity to present their own reports and or comment on states' reports and participate in the review sessions and any other relevant multi-stakeholder fora.

5) Outcome-orientation

The Global Compact should either define specific targets or define policy areas for states to take action and determine specific outcomes at the national level, which should be in compliance with the GCM.

6) Exchange and learning

In addition to a reporting and compliance mechanism, the Global Compact should also provide for a forum for peer-to-peer exchange to enable exchange and learning. It should be open to participation of civil society, particularly migrants-led organizations. Possible spaces for exchange and learning which could be further developed, are the Global Migration Group, an inter-agency grouping composed of almost all UN agencies including the ILO, UNHCR and the IOM as well as the UN High-Level Dialogue on International Migration and Development which is scheduled to take place 2019/2020.

Accountability, implementation and monitoring at the national level

The Global Compact should include the following elements for accountability at the national level:

1) Coherence

National strategies on migration should be linked with processes in other but related policy areas such as work, social security, education, health, housing to deliver a whole of government response. They should also link to the constitutional, statutory, policy and administrative measures that are anchored to the state's obligations at the international and regional level.

2) Transparency

Similar to the international level, the information provided by states as well as other bodies should be freely accessible including through a dedicated website which provides timely updates. Additionally the state should take measures to ensure that information easily reaches the most vulnerable migrants, without compromising their integrity and dignity.

3) Independence & Accountability

An independent body can help with providing guidance on specific aspects of implementation. Existing research institutions and advisory bodies as well as National Human Rights Institutions can be drawn upon for that purpose. For coordination among several government bodies, a focal point may help. National Human Rights Institutions should be facilitated to use their mandates to monitor, evaluate and report on migration issues, additionally, they should use their promotional mandate to build the capacity of both state and non state actors to respect and protect the rights of migrants. Lastly, they should create awareness to migrants on their rights and responsibilities.

4) Participation & Inclusiveness

The elaboration of national strategies should allow for inclusive participation of all relevant stakeholders. Specific needs of migrants, especially of irregular migrants, need to be accommodated, eg through intermediaries such as trusted CSOs or National Human Rights Institutions. Existing participatory mechanisms should be used as much as possible and feasible.

5) Outcome-orientation

The process at the national level for formulating implementation strategies and setting national goals and indicators should provide for ambitious national goals. Also, the obligations and responsibilities of duty bearers need to be specified.

6) Exchange and learning

Exchange fora at the national level shall be established or institutionalized to provide for exchange, dialogue and learning.