



**Towards a Human Rights Based Global Compact on Safe, Orderly and Regular Migration**

**Paper 2: Expectations following the Agreement of Modalities Resolution<sup>1</sup>**

Our comments are aimed at ensuring the human rights grounding (and compliance) of the Compact (as envisaged in the New York Declaration, para.5 and Annex II, para.6) and the role of relevant stakeholders. These expectations are focussed on process because we believe that process will shape content.

*Positive Commitments*

Several of our issues of importance are included in the Modalities Resolution and we welcome these, in particular:

- The role of the National Human Rights Institutions (para. 9) NHRIs
- The inclusion of Special Procedure mandates holders and Treaty Bodies (para. 12)
- Call for human rights to be mainstreamed in the Global Compact process (para. 20)
- The focus on human rights as the first thematic session (para. 15.A.a)

*Concerns*

Notwithstanding these positive elements we continue to have concerns about the inclusiveness of the process and the impact this could have on upholding human rights in the Compact, including:

- The retention of a non-objection basis for non-ECOSOC accredited civil society organisations and other stakeholders to participate (para. 6(b) and (c)).
- The continued lack of clarity on the timetable, this makes it challenging for civil society and other stakeholders to plan for and source resources for participation. It also limits the possibility for effective preparation, which in turn has a negative impact on the usefulness of the preparatory sessions.

*Expectations*

In order to keep the process inclusive and support the development of a human rights based Global Compact we believe the following actions are necessary:

- Human rights mainstreaming in the conceptualisation of all the thematic sessions, regional consultations and other preparatory meetings reflected in the concept note
- Inclusion of relevant Special Procedures mandate holders or Treaty Body Members as speakers in all of the thematic sessions, regional consultations and other preparatory meetings (with resources provided to enable this)

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<sup>1</sup> Our first paper on the Modalities is available here: <http://www.quuno.org/resource/2016/11/initial-input-discussions-modalities-resolution-global-compact-safe-orderly-and>

- Inclusion of speakers with human rights expertise in all of the thematic sessions, regional consultations and other preparatory meetings
- Human rights mainstreaming in all the joint agency papers with OHCHR responsible for supporting the development of this
- No use of objections by States to block civil society or other stakeholder participation in what is intended to be a broad preparatory process
- The informal stakeholder meetings to take place in both New York and Geneva
- Open channels of communication between the co-facilitators and civil society and other stakeholders (including NHRIs), including direct consultations and opportunities to meet without other Member States present
- Open channels of communication between the Special Representative of the Secretary General and a broad range of civil society organisations and other stakeholders (including NHRIs)
- Inclusion of broad representation from civil society and other relevant stakeholders (including NHRIs) in the stocktaking meeting with transparency in the process for participation
- Negotiations open to civil society and other stakeholders (including NHRIs) on same basis as informal resolution negotiations at the Human Rights Council or the Committee of the Whole of the Commission on Crime Prevention and Criminal Justice
- Steps taken to facilitate the participation of migrants and migrant-led organisations in all meetings and events
- Opportunity to provide written input (in any of the 6 UN languages) prior to the stock taking as a necessary step to provide channels for input to the many stakeholders who will not be able to participate in person in the consultation phase

We strongly encourage inclusive, national-level consultations to inform positions and create platforms through which implementation can be supported, these should take place in collaboration with NHRIs where possible. We also strongly recommend cross-governmental discussion of the issues to be covered by the Compact. The New York Declaration recognises the need for a whole of system response to migration at the international level. A whole of government response at national level is also required.

Finally, we hope that the co-facilitators will use the option of informal meetings that are envisaged in the modalities resolutions if needed, including a broad range of civil society, with attention to facilitating the inclusion of migrants and migrant-led organisations, and other stakeholders (including NHRIs). Our paper *Moving Forward in International Negotiations: Four Innovative Examples* highlights the role such meetings can play in negotiations.<sup>2</sup>

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<sup>2</sup> Ellie Roberts (QUINO, 2014) *Moving Forward in International Negotiations: Four Innovative Examples*, <http://www.quino.org/resource/2014/6/moving-forward-international-negotiations-four-innovative-examples>