



Inter-Parliamentary Union

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IPU contribution

Formal Consultation 3 on the Global Compact on Refugees

Geneva, 10-11 April 2018

The Inter-Parliamentary Union wishes to thank UNHCR for its very important work on behalf of the global community and its leadership in this consultation process.

As the global organization of national parliaments, the IPU would like to bring to your attention the Declaration of the 138th IPU Assembly, adopted in Geneva two weeks ago, on 28 March. This Declaration is the culmination of a four-day general debate featuring the contribution of over 140 speakers from parliaments from across the world on *Strengthening the global regime for migrants and refugees: the need for evidence-based policy solutions*. We would like to present it today as the parliamentary input to the negotiations of the Global Compact on Refugees.

The Declaration welcomes the Comprehensive Refugee Response Framework and its four key pillars to ease pressure on countries receiving large numbers of refugees, to provide for a dignified life for all refugees, to facilitate third country resettlement, and to prepare for the return of refugees to their homes when conditions so allow. Parliamentarians commit to stimulating a public debate and finding solutions for migrants and refugees that build on people's strengths, their dreams and aspirations, regardless of their differences.

The debates during the 138th IPU Assembly demonstrated that national parliaments are one of the relevant stakeholders together with Governments and the UN. They are part of the equation in building comprehensive responses and have a key role to play in the effective implementation of the Global Compact. Parliamentarians represent the voices and interests of all citizens, oversee government action, adopt budgets and translate international commitments into national law.

In light of the above, the IPU would like to propose the addition of “**national parliaments**” to the list of “relevant stakeholders” that appears in paragraph 3 of Draft 1.

We would also like to propose a separate paragraph in section 3.2, on the contribution of parliaments to a multi-stakeholder approach, as follows:

“National parliaments in light of their legislative, oversight, budgetary and representative functions - , can help reconcile the interests and expectations of different groups and communities through dialogue and inclusion, and can play a significant role in translating international commitments into national policies and laws and allocating the necessary resources for effective implementation”.

We hope that you will give due consideration to these suggestions and would like to reiterate that the IPU and its Member parliaments shall continue to offer every support for the strengthening of the global regime for refugees and ensuring its implementation.

Thank you.

Declaration on Strengthening the global regime for migrants and refugees: The need for evidence-based policy solutions

**Endorsed by the 138th IPU Assembly
(Geneva, 28 March 2018)**

At the end of a week-long debate on strengthening the global regime for migrants and refugees, and with the added input of survey responses (see below), of the outcome of the 2018 annual Parliamentary Hearing at the UN, entitled *Towards a global compact for safe, orderly and regular migration: A parliamentary perspective*, and of the insights gained from the interactive debate with the heads of the International Organization for Migration (IOM), the Office of the High Commissioner for Refugees (UNHCR) and the Office of the High Commissioner for Human Rights (OHCHR), we, parliamentarians from around the world, issue the following declaration.

Migration has been a feature of human civilization and interaction from time immemorial. Properly managed, it contributes to greater human well-being and collective wealth. It expands knowledge and strengthens the bonds of human solidarity.

Likewise, the flight of refugees from persecution and conflict is not new. When refugees flee, those who provide them with the protection and assistance that they need contribute to the cause of humanity and should be supported in their efforts by the international community.

Over and beyond national differences, people everywhere aspire to the same things: a decent life, good health and education, a safe environment, strong democratic institutions and, above all, peace.

Yet today's global regime for migrants does not always harness the potential benefits of migration, nor does the international refugee regime do enough to ease the pressures on those who host large numbers of refugees. Too often, both regimes fail to protect increasing numbers of migrants and refugees from discrimination, exploitation, or other kinds of abuse. The human and economic costs of this failure are enormous and run counter to our common vision for a prosperous, sustainable, and peaceful world.

A large portion of refugee and migration policy today remains ad hoc, with countries devising their own solutions to a host of common problems. We need a more coordinated system that brings countries together around practical solutions that work for all. As this is one of the most important issues facing our countries, we welcome wholeheartedly the United Nations initiative to forge two Global Compacts – one for safe, orderly and regular migration, and another on refugees – which governments will formally adopt later this year.

While acknowledging important legal distinctions between *migrants* and *refugees*, we see many commonalities between these two large groups in terms of their need for basic services and their fear of discrimination or unlawful persecution. We affirm that all people on the move – voluntary and involuntary, regular and irregular, economic migrants, displaced people and refugees, regardless of their individual drivers to move to other countries – are entitled to the full enjoyment of their human rights pursuant to the relevant international treaties and covenants. We should not condone discrimination against migrants or refugees based on culture, gender, race, ethnicity, religion or other differences. We should support enhanced protection for the most vulnerable migrants and refugees, beginning with women, children and people with disabilities.

Our challenge, as policy-makers and opinion leaders and as representatives of the people, is to reconcile our short-term national interests with this long-term world view that seeks to reap the benefits of human mobility in an orderly fashion. We strongly believe that migration policies and the public debate about migrants and refugees must be more balanced and based on empirical evidence of what works and what does not. We recognize that diversity makes our countries stronger, not weaker. We condemn the worrying trend of holding foreigners responsible for home-grown problems not of their making. We affirm our duty, as trustees of the common good, to avoid language that stokes the flames of xenophobia and racism.

Most importantly, we have a responsibility to work resolutely to address the root causes of refugee situations (including persecution and armed conflict) and the drivers of migration, be they economic, social or environmental. Doing so will affirm the right to leave as well as the right to stay in one's home country. In a world of extreme income and wealth inequality, climate change, and weakening democratic institutions, a sense of deep insecurity on the part of growing numbers of people is both a reason why people move and a prime cause of the negative response to migrants and refugees in many countries. The response must be an all-encompassing one that seeks to support the well-being and prosperity of all people – citizens and non-citizens alike – everywhere.

We reiterate our pledge to work for the implementation of the UN-approved 2030 Agenda for Sustainable Development and attendant Sustainable Development Goals (SDGs). The SDGs provide a clear road map for inclusive and sustainable prosperity for all. By empowering all countries economically and institutionally, and by strengthening the foundations of peace between and within countries, the SDGs will help to address the root causes of refugee movements and help to achieve a better balance between the benefits and the costs of migration, such as the benefit of remittances and the costs of brain drain to developing countries. The implementation of the SDGs will also support a fairer sharing of the responsibility all countries have toward migrants and refugees.

Combined, all of these actions will allow people to move by choice, not through necessity, thus largely containing the potential disruption that can come from large, unpredictable movement of persons related to society-wide shocks. At the same time, we recognize that the integration of migrants and refugees is not an event but a process requiring time and effort. Unlike inanimate capital and goods that can move quickly across borders, people have emotional ties and personal needs. We must be sensitive to this from the perspective both of host communities and of the migrants and refugees themselves by adopting proactive policies for social cohesion. That said, we find that by and large integration is possible and is working as it should in the majority of our countries.

As the statistics clearly show, only a tiny fraction of migrants and refugees has ever posed a threat to national security. While this is paramount to all of us, we commit to help dispel the misconceptions in the media and in the public discourse that migrants and refugees present a heightened risk. At the same time, we commit to ensuring that border controls and admission procedures are designed to detect and filter out potential terrorists and elements of organized crime.

We recognize that putting up artificial obstacles to the migration of people will generate needless human suffering and social tensions. The response to growing irregular migration is to generate more regular pathways for people to work and live in destination countries in mutually beneficial ways. Not all migrants seek permanent residence. Many of them can be accommodated through temporary arrangements and through policies that will facilitate their return to their home countries. At the same time, countries of origin need to do more to allow their people to return.

The Global Compacts

The Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees need to be mutually reinforcing, creating a comprehensive practical framework to manage all types of human mobility more effectively at national, regional and global levels. They need to embed the key principle of shared responsibility between countries of origin and destination as well as between countries and the international community.

For the compacts to be effective, they must first articulate a clear definition of migrant as a distinct category from refugee, which will be particularly useful in targeting policy at mixed flows, emerging new categories such as people fleeing the consequences of climate change, or displaced people whose status as migrants or refugees is not always easy to determine. The compacts need to reaffirm all relevant human rights treaties and conventions, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention on the Elimination of All Forms of Racial Discrimination.

The compacts need to establish strong review mechanisms to hold governments to account for their commitments. The role of parliaments as key stakeholders, particularly with regard to the implementation of both compacts, needs to be specifically acknowledged in the text. As for the legal status of the compacts, as our survey shows, the possibility of a legally binding regime should not be discounted altogether.

Our debate demonstrated high support for the following specific provisions to be articulated in both compacts:

- More and better data on migrants and refugees must be generated and exchanged at all levels nationally and globally to inform public debate as well as relevant national policies;
- Partnerships with local authorities, civil society organizations and private enterprises that are first in line to respond to the flow of migrants and refugees should be encouraged;
- Birth registration of all children of migrants and refugees needs to be enforced to ensure their rights are protected;
- An international standard of practice for countries dealing with vulnerable migrants, including unaccompanied children, needs to be established;
- Human trafficking must be brought to an end through stronger bilateral and multilateral cooperation as well as stronger enforcement of existing laws;
- National security policies should not single out migrants and refugees, and should instead aim at a comprehensive approach to detect and prosecute criminal elements in our societies at large;
- Public services such as health and education, housing and food support, should be provided to all refugees and migrants, along with a firewall protecting them from law enforcement
- Hate speech should be sanctioned and hate crimes clearly defined in the law, with law enforcement and social services departments provided with the tools to combat and punish such crimes;
- More support from the international community is needed to help countries cope with large inflows of migrants and refugees.

Migrants

With regard specifically to regular and irregular migrants, we are supportive of the following provisions to be reflected in the Global Compact for Migration:

- Countries of origin, transit and destination need to cooperate more closely to facilitate the movement of migrant workers, including by facilitating the accreditation of academic and professional credentials, by allowing the portability of social security benefits, and by lowering the cost of remittances;
- Vulnerable groups such as women, children and people with disabilities should be given special protection in migration policies and in the law against exploitation and abuse;
- National migration policies need to include input from migrants themselves, ensuring that migrants are not passive subjects but active participants in the societies in which they live;
- National quotas of labour migrants can contribute to greater predictability of migration flows, although it remains up to each country to decide whether to establish a quota or not;
- Migrants should generally be granted the right to participate in political decision-making in their host countries only upon the obtainment of citizenship, though some provision for the participation of permanent residents should be considered.

Refugees

With regard to the Global Compact on Refugees, we welcome the Comprehensive Refugee Response Framework and its four key pillars to ease pressure on countries receiving large numbers of refugees, to provide for a dignified life for all refugees, to facilitate third-country resettlement, and to prepare for the return of refugees to their home countries when conditions so allow.

We further recommend that the following provisions should be reflected in the completed, final document:

- People fleeing conflict should enjoy legal protection as refugees under the 1951 Convention relating to the Status of Refugees;
- To the extent possible, countries should be incentivized to give long-term refugees permanent residence, while no refugee should be denied the right to return to the homeland;
- The freedom of movement of refugees in their host countries must be upheld in all circumstances;
- The return and resettlement of refugees requires their consent and needs to be carefully coordinated between host countries, countries of origin or third countries;
- The return of refugees to countries of origin can only take place when all fundamental freedoms and personal safety can be guaranteed;
- More funding for the accommodation of refugees in host countries should be channelled to developing countries where the vast majority of refugees live;
- All countries that have yet to join the 1951 Refugee Convention and its 1967 Protocol should be encouraged to do so.

The way forward

Along with governments and the United Nations, including in particular IOM and UNHCR, parliaments will have a key role to play in the implementation of the global compacts.

Our task as parliamentarians is to hold governments accountable for their commitments and to see to it that laws and budgets are consistent with those commitments. To that end, we encourage the international community and the IPU, as our world organization, to continue to work closely with our parliaments, strengthening our institutional capacities to design relevant policies for migrants and refugees and to oversee such policies effectively.

More importantly, we commit to stimulating a debate on migrants and refugees that builds on people's strengths, their dreams and aspirations, regardless of their differences.

Where there are walls, we will work to build bridges; where there is fear, we will seek to restore hope.

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Parliamentary Survey on Migrants and Refugees

To ensure maximum parliamentary input in the present Declaration that would go beyond the official statements made during the general debate of the 138th Assembly, all participating MPs were invited to respond to an online survey questionnaire prepared in cooperation with First Contact, a polling firm specializing in public policy. The questionnaire was also made available to participants in the 2018 Parliamentary Hearing at the United Nations (22-23 February 2018) and in the Parliamentary Meeting at the UN Commission on the Status of Women (13 March).

Two hundred and thirty-nine (239) delegate surveys, representing 84 countries, were analysed. Respondents were about equally divided between members of governing parties and opposition/independent parliamentarians. Sixty-four percent (64%) of respondents identified as men, 33 per cent as women and 3 per cent as another gender or declined. Seventy-nine percent (79%) of respondents believe their views are broadly aligned with those of members of their political party. The average tenure of parliamentarians answering the survey was 8.2 years.

Respondents described their country either as a country of origin (24%), transit (43%), destination (65%) or none of these (12%), totalling 144 per cent, and reflecting the multiple roles each country can play in the migration phenomenon. The survey found a high level of support for a Global Compact on Migration and a Global Compact for Refugees, with 86 per cent of respondents being strongly in favour, or in favour. Respondents reported a lower level (67%) of familiarity with a proposed Compact.

Ninety-one percent (91%) of respondents believe there should be an international standard of practice when dealing with vulnerable migrants, including women and children. Ninety-four per cent (94%) believe countries should act to protect migrants from exploitation and human rights abuses. In both cases, respondents who support both Global Compacts were strongly supportive of these measures.

Support for a Global Compact was positively correlated with familiarity; respondents who reported being very familiar or somewhat familiar were more likely to be supportive than those who were unfamiliar. Similarly, respondents who reported that migration was viewed positively in their country were more likely to support a Global Compact, although only 45 per cent reported migration being viewed very positively or somewhat positively. Seventy per cent strongly agreed or agreed that their country needed a more balanced, evidence-based debate on the migration issue.

Fifty-one percent (51%) of respondents believe a Compact should be legally binding, while 36 per cent believe it should be voluntary and 14 per cent were undecided. A minority of respondents expressed support for adopting a quota of migrants to be admitted, with 15 per cent strongly agreeing and 26 per cent agreeing.

When asked when migrants should become involved in political decision-making in their country, 68 per cent said when they become citizens, 27 per cent when they have permanent status and 5 per cent when they arrive.

Taken together, the above suggests that although there is broad support for a Global Compact, some of the support expressed may be socially conditioned, and there is less support for specific binding measures on individual countries or measures that would give migrants equal participation with citizens. Further research may reveal that opponents of a Global Compact responded as undecided or unfamiliar rather than state opposition or lack of focus on migration and the Global Compact. Building awareness through continued education of parliamentarians will positively impact the debate.

Seventy-three per cent (73%) of respondents report that migration is one of the most important issues facing their country, while only 31 per cent say their country is well prepared to deal with the issue. Respondents from Africa reported being the least prepared (14%) to deal with migration, while Western Europe reported the highest level of preparedness (52%). By contrast, 56 per cent of respondents report that their countries are doing a good job of integrating migrants.

Seventy-five percent (75%) of delegates believe the migration issue is equally the responsibility of the individual country and the international community, while 13 per cent believe it is primarily the responsibility of the individual country and 12 per cent believe it is primarily the responsibility of the international community. Respondents from transit countries and countries that were less prepared to deal with migration were more likely to believe responsibility for the migration issue is the responsibility of the international community or the international community and the host country.

Respondents' predictions about the numbers of future migrants had little impact on their perception of the importance of the issue or their support for a Global Compact. Just under half of respondents (48%) believe that the number of migrants arriving in their country will increase in the future, while 29 per cent believe the number will stay the same and 23 per cent believe the number will decrease. By contrast, 72 per cent of respondents expect the number of global migrants to increase in the future, while 9 per cent believe the number will stay about the same and 19 per cent believe the number will decrease.