



TEXTS ADOPTED

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Progress on UN Global compacts for safe, orderly and regular migration and on refugees

European Parliament resolution of 18 April 2018 on progress on the UN Global Compacts for Safe, Orderly and Regular Migration and on Refugees (2018/2642(RSP))

The European Parliament,

- having regard to the Charter of the United Nations,
- having regard to the 1951 Convention Relating to the Status of Refugees and to the 1967 Protocol Relating to the Status of Refugees,
- having regard to the Universal Declaration of Human Rights and other UN human rights treaties and instruments,
- having regard to the UN Convention on the Rights of the Child,
- having regard to the decent work agenda of the International Labour Organisation (ILO) and in particular to ILO Convention No 189 (2011) concerning decent work for domestic workers,
- having regard to resolution A/RES/71/1 of the UN General Assembly of 19 September 2016, the ‘New York Declaration for Refugees and Migrants’¹,
- having regard to Annex I to the New York Declaration, the Comprehensive Refugee Response Framework,
- having regard to Annex II to the New York Declaration, ‘Towards a global compact for safe, orderly and regular migration’,
- having regard to the EU Guidelines of 6 March 2017 for the Promotion and Protection of the Rights of the Child and to the Commission Communication of 12 April 2017 on the protection of children in migration (COM(2017)0211),

¹ http://www.un.org/en/development/desa/population/migration/generalassembly/docs/A_RES_71_1_E.pdf

- having regard to resolution A/RES/71/280 of the UN General Assembly of 6 April 2017 on ‘Modalities for the intergovernmental negotiations of the global compact for safe, orderly and regular migration’¹,
- having regard to the UN Human Rights Council report of 28 April 2017 entitled ‘Report of the Special Rapporteur on the human rights of migrants on a 2035 agenda for facilitating human mobility’²,
- having regard to the UNHCR document of 17 May 2017 entitled ‘Towards a global compact on refugees: a roadmap’³,
- having regard to the report of the UN Secretary-General, António Guterres, of 11 January 2018 entitled ‘Making migration work for all’⁴,
- having regard to the UNHCR zero draft of the global compact on refugees as at 31 January 2018⁵,
- having regard to the zero draft and the zero draft plus of the Global Compact for Safe, Orderly and Regular Migration of 5 February 2018⁶ and 5 March 2018⁷ respectively,
- having regard to the Abidjan declaration of the 5th EU-AU Summit of November 2017,
- having regard to resolution A/RES/70/1 of the UN General Assembly entitled ‘Transforming our world – the 2030 Agenda for Sustainable Development’ and its 17 Sustainable Development Goals, adopted on 25 September 2015 at the UN Summit in New York⁸,
- having regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by UN General Assembly Resolution A/RES/45/158 of 18 December 1990⁹,
- having regard to the Joint General Comment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) and the Committee on the Rights of the Child (CRC) on the human rights of children in the context of international migration,
- having regard to its resolution of 13 April 2016 on the EU in a changing global environment – a more connected, contested and complex world¹⁰,

¹ https://www.un.org/en/development/desa/population/migration/generalassembly/docs/A_RES_71_280.pdf

² A/HRC/35/25 <https://daccess-ods.un.org/TMP/8451200.72364807.html>

³ <http://www.unhcr.org/58e625aa7.pdf>

⁴ <https://refugeesmigrants.un.org/SGReport>

⁵ <http://www.unhcr.org/Zero-Draft.pdf>

⁶ https://refugeesmigrants.un.org/sites/default/files/180205_gcm_zero_draft_final.pdf

⁷ https://refugeesmigrants.un.org/sites/default/files/2018mar05_zerodraft.pdf

⁸ UN Resolution 70/1 http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

⁹ <http://www.un.org/documents/ga/res/45/a45r158.htm>

¹⁰ OJ C 58, 15.2.2018, p. 109.

- having regard to its resolution of 25 October 2016 on human rights and migration in third countries¹,
 - having regard to its resolution of 1 June 2017 on resilience as a strategic priority of the external action of the EU²,
 - having regard to its resolutions of 5 April 2017 on addressing refugee and migrant movements: the role of EU external action³ and of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration⁴,
 - having regard to the report adopted on 12 October 2017 by its Committee on Civil Liberties, Justice and Home Affairs on the proposal for a regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council (A8-0316/2017), and to the need for the EU to resettle at a minimum 20 % of the Annual Projected Global Resettlement Needs,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas in accordance with Article 13(2) of the Universal Declaration of Human Rights, ‘everyone has the right to leave any country, including his own, and to return to his country’; whereas in 1999 the UN Human Rights Committee, in its General Comment No 273 (Paragraph 8), clarified that this right ‘may not be made dependent on any specific purpose or on the period of time the individual chooses to stay outside the country’;
 - B. whereas at the UN Summit for Refugees and Migrants, hosted by the General Assembly in New York on 19 September 2016, UN member states unanimously adopted the ‘New York Declaration for Refugees and Migrants’, on the basis of which two separate, distinct and independent – albeit in substance interrelated – processes were launched, with a view to adopting a Global Compact on Refugees in 2018, and a Global Compact for Safe, Orderly and Regular Migration, which will be signed at a conference in Morocco in December 2018;
 - C. whereas Annex I to the New York Declaration sets out a Comprehensive Refugee Response Framework (CRRF), which is based on the principle of international responsibility-sharing and on the determination on the part of the UN member states to address the root causes of forced displacement; whereas the CRRF presents specific actions designed to ease pressure on host countries, to enhance refugee self-reliance, to expand access to third-country solutions, and to support conditions in countries of origin for return in safety and dignity;
 - D. whereas the UN High Commissioner for Refugees has been requested to conduct consultations on a Programme of Action to complement the CRRF and to propose a Global Compact on Refugees in his annual report to the General Assembly in 2018;
 - E. whereas the EU and its Member States were engaged in the preparatory process and the

¹ Texts adopted, P8_TA(2016)0404.

² Texts adopted, P8_TA(2017)0242.

³ Texts adopted, P8_TA(2017)0124.

⁴ OJ C 58, 15.2.2018, p. 9.

discussions that led to the presentation of the zero drafts; whereas with the start of the more critical phase of the process, and as a consequence of the US's decision to exit the negotiations, it has become even more important that the EU and its Member States take a leading role in order to secure a strong people-centred and human rights-based text;

- F. whereas migration is a complex human phenomenon; whereas while refugees are specifically defined and protected in international law as people residing outside their country of origin because of a fear of persecution, conflict, violence, or other circumstances, and who require international protection as a result, refugees and migrants alike are bearers of human rights and often face increased vulnerability, violence and abuse throughout the migration process; whereas both the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration are complementary processes that will require joint actions for their implementation;
- G. whereas human mobility and migration is a growing reality, with approximately 258 million international migrants worldwide; whereas the number of migrants as a proportion of the global population increased from 2,8 % in 2000 to 3,4 % in 2017; whereas 48 % of migrants are women; whereas most migrants travel in a safe and orderly manner; whereas 85 % of migration takes place between countries of the same level of development; whereas in 2017 Europe was the source of the second-largest number of international migrants (61 million)¹;
- H. whereas according to UNHCR data, around 65 million people were living in forced displacement at the end of 2015, of whom 12 million were Syrians; whereas according to the World Bank, around 9 million people were displaced between 2012 and 2015, posing a serious challenge to the global humanitarian aid system; whereas 84 % of the world's refugees and 99 % of its internally displaced persons are hosted by developing countries or regions, with the African continent hosting most of them, while just 10 % of all refugees are hosted by European countries, excluding Turkey; whereas according to the UNHCR's projected Global Resettlement Needs for 2018, close to 1,2 million people are estimated to require resettlement; whereas since 2000, more than 46 000 migrants and refugees have died worldwide while seeking safety and dignity abroad, including a minimum estimate of 14 500 deaths in the Central Mediterranean since 2014²;
- I. whereas Europe has historically been a region of destination and of origin alike; whereas Europeans have also migrated abroad for reasons of economic hardship, conflict or political persecution; whereas the ongoing economic and financial crisis has led a large number of Europeans to emigrate, including to emerging economies from the Global South;
- J. whereas many migrant children experience violence, abuse and exploitation; whereas over 100 countries are known to detain children for migration-related reasons³; whereas refugee children are five times more likely to be out of school than other children and

¹ United Nations, Department of Economic and Social Affairs, Population Division (2017). *Trends in International Migrant Stock: The 2017 revision* (United Nations database, POP/DB/MIG/Stock/Rev.2017).

² <https://missingmigrants.iom.int/latest-global-figures>

³ UNICEF report, *Uprooted: the growing crisis for refugee and migrant children*, September 2016, p. 39, <https://www.unicef.org/videoaudio/PDFs/Uprooted.pdf>

less than one quarter of refugee adolescents are enrolled in secondary school;

- K. whereas migrant workers are often exposed to discrimination, exploitation and rights violations; whereas 23 % of the 24,9 million people in forced labour worldwide are international migrants;
 - L. whereas experience has shown that migrants make positive contributions to the countries they live in, as well as to their home countries; whereas migrants contribute to the countries they live in by paying taxes and injecting around 85 % of their earnings into the economies of those countries; whereas in 2017 an estimated USD 596 billion was transferred in remittances globally, with USD 450 billion going to developing countries – up to three times the total of official development aid;
1. Strongly supports the objectives of the New York Declaration for Refugees and Migrants and the corresponding process for developing a global governance regime, for enhancing coordination on international migration, human mobility, large movements of refugees and protracted refugee situations, and for putting in place durable solutions and approaches to clearly outlining the importance of protecting the rights of refugees and migrants;
 2. Calls on the EU Member States to unite behind a single EU position and to actively defend and advance the negotiations on the important issue of the UN Global Compacts for Safe, Orderly and Regular Migration and on Refugees;
 3. Is convinced that in a highly interdependent world, the challenges related to human mobility can best be addressed effectively by the international community as a whole; welcomes, therefore, the opening of intergovernmental negotiations on the Global Compact for Safe, Orderly and Regular Migration and the start of the formal consultations on the Global Compact on Refugees on the basis of the zero drafts, to be completed by July 2018;
 4. Calls for the European Union, namely its High Representative for Foreign Affairs and Security Policy and the Commission, to utilise all its diplomatic weight and to mobilise the EU delegations, not only in New York and Geneva, but also in other key countries, notably developing countries, whose effective participation in the process is of critical importance as countries of origin and transit but also destination, and should be facilitated by the EU, in order to ensure the success of the process;
 5. Stresses that core international human rights treaties recognise the rights of all human beings, including migrants and refugees, regardless of their legal status, and obligate states to uphold them, including the fundamental principle of non-refoulement; calls for particular attention to be paid to people in vulnerable situations and in need of special medical or psychological support, including as a result of physical bias-motivated, sexual or gender-based violence, or torture; advocates the incorporation of concrete measures in the Global Compacts in this respect; recalls, furthermore, that vulnerabilities arise as a result of circumstances in countries of origin, transit and reception or destination, as a consequence not only of the person's identity, but also of policy choices, inequality, and structural and societal dynamics;
 6. Recalls that the Sustainable Development Goals (SDGs), contained in the 2030 Agenda, recognise that planned and well-managed migration policies can help achieve

sustainable development and inclusive growth, as well as reduce inequality within and between states; urges that due attention be paid to the migration-related aspects of the SDGs and the Global Compacts; calls for the EU and the Member States to fulfil their commitment to achieving the SDGs relating to children, implementing the EU Guidelines of 6 March 2017 for the Promotion and Protection of the Rights of the Child;

7. Calls on the UN member states to make a standalone commitment to promoting gender equality and the empowerment of women and girls as a central element of the Global Compact, in line with SDG 5; recalls, furthermore, that migration can be an accelerator for women's empowerment and equality, given that 48 % of migrants are women and two-thirds of them are in work;
8. Calls on the UN member states to make a standalone commitment to ensuring the protection of children in migration; emphasises that all children, irrespective of their migration or refugee status, are first and foremost children, who are entitled to all the rights enshrined in the UN Convention on the Rights of the Child, and that their best interests must be the primary consideration of all decisions and actions concerning them; considers the Global Compacts as an opportunity to strengthen benchmarks for the protection of children affected by migration and forced displacement; welcomes the inclusion in the zero draft of clear commitments on specific, pressing issues, such as the call to put an end to child detention, improving action concerning missing migrants, strongly supporting family reunification and other regular pathways, preventing childhood statelessness, and including refugee and asylum-seeking children in national child protection, education and health systems; calls for the EU and its Member States to strongly advocate these proposals in order to ensure they remain in the final text for adoption in December;
9. Emphasises that focus should be retained on addressing the diverse drivers of irregular migration and forced displacement (conflict, persecution, ethnic cleansing, generalised violence or other factors such as extreme poverty, climate change or natural disasters);
10. Deplores the continued and widespread phenomenon of statelessness, which poses acute human rights challenges; calls for the EU and its Member States to ensure that this issue is adequately addressed in the current negotiations on the Global Compacts;
11. Emphasises that the consultations and negotiations must be transparent and inclusive, and must involve all stakeholders, local and regional authorities and institutions and civil society, including migrant organisations, as much as possible, despite the intergovernmental nature of the negotiations; stresses the need to harness the role of parliaments in the final phase of the process leading to the adoption of the Compacts, and points out in particular the need to strengthen the parliamentary dimension of the EU's position;
12. Believes that a coordination mechanism should be developed to ensure complementarity between the two Compacts and coherence on cross-cutting issues;
13. Stresses the importance of the collection and monitoring of disaggregated migration and refugee data, to be accompanied by migrant-specific indicators – which are vital for policy-making – based on realistic data and not on myths or false perceptions, while ensuring fundamental rights standards, including the right to privacy, and data protection standards, and preventing data subjects from being exposed to serious human

rights violations;

14. Underlines the need to reinforce the follow-up dimension of the implementation of both Global Compacts in the near future, particularly on account of their non-binding nature, in order to avoid *à la carte* approaches by the different states involved; calls, in this regard, for close monitoring through the establishment of benchmarks and indicators, when appropriate; stresses the need to ensure that the architecture of the UN and its relevant agencies are provided with the resources needed for any task that states decide to delegate to them in the implementation and follow-up of the Compacts;
15. Acknowledges that managing migration requires major investments, adequate resources and flexible and transparent instruments, and that well-designed, flexible and streamlined instruments to address migration challenges will be necessary in the coming years; calls for EU funding instruments to play a greater role in the implementation of the Global Compacts; calls for the next multiannual financial framework (MFF) to include financial consistency and to review long-term budgetary support for migration and asylum policies and actions deriving from the Global Compacts; considers that development budgets need to remain focused on sustainable poverty eradication;

Global Compact on Refugees

16. Welcomes the draft Compact on Refugees and its human rights- and people-centred approach; congratulates the UNHCR on its work and commitment to the most comprehensive implementation of its mandate; calls on all countries to make commitments to a more equitable sharing of responsibility for hosting and supporting refugees globally and urges the EU and its Member States to recognise and honour their own share of responsibility; calls for the adoption of a global responsibility-sharing mechanism, supporting a human rights-based approach for the proposed Compact;
17. Stresses the need to ensure robust and sustained assistance to developing countries that host large numbers of refugees, and to ensuring that refugees are offered durable solutions, including by becoming self-sustainable and being integrated into the communities in which they live; recalls that the Compact provides a unique opportunity to strengthen the linkage between humanitarian aid and development policies and to improve the effectiveness, efficiency and sustainability of protecting and finding solutions for refugees, building a comprehensive response and bringing together all stakeholders;
18. Stresses the need to include refugees as active stakeholders in shaping the Compact and other international responses to refugee situations;
19. Calls for the non-criminalisation of humanitarian assistance; calls for greater search and rescue capacities for people in distress, for greater capacities to be deployed by all states, and for the support provided by private actors and NGOs in carrying out rescue operations at sea and on land to be acknowledged;
20. Calls for the robust development and reinforcement of the resettlement solutions in the negotiated Compact, as a key element for equitable responsibility-sharing, through specific and coordinated commitments that will establish or increase the scope, size, and quality of the resettlement programmes, in order to meet the annual global resettlement needs identified by the UNHCR; calls on the EU Member States in particular to do their

part and to step up their commitment to this matter;

21. Urges the right to family reunification to be fully respected and insists on the development of safe and legal avenues for refugees, in addition to resettlement, including humanitarian corridors, humanitarian international visas, regional resettlement regimes, and other complementary legal pathways (such as private sponsorship, study visas, refugee scholarship schemes and flexible visa arrangements), so that refugees can reach destinations with proper and dignified host conditions;
22. Calls on all countries to sign, ratify and comply with the 1951 Geneva Convention Relating to the Status of Refugees, and the 1967 Protocol Relating to the Status of Refugees (Geneva Convention);
23. Stresses the need to take advantage of this opportunity to fully develop a renewed and horizontal gender perspective for a collective international response to refugees which addresses the specific protection needs of women, including combating violence against women, and which enhances women's abilities and skills in the reconstruction and resilience of all societies, thereby overcoming the image of women as nothing more than victims; calls, in this context, for the full involvement of women, starting from childhood, with access to education for girls, including in emergencies and conflict areas, listening to their voices and taking into account their needs and realities through their participation in the design of policies on and solutions to the refugee crisis, in order to make them more sustainable, responsive and effective;

Global Compact for Safe, Orderly and Regular Migration

24. Insists that the Global Compact for Safe, Orderly, and Regular Migration should be people-centred and human rights-based, and should provide for long-term, sustainable and comprehensive measures, for the benefit of all parties involved, building on the principle of partnership and strengthened cooperation among countries of origin, transit and destination;
25. Considers the Compact a unique opportunity to put the nexus between development and migration on the global policy agenda; strongly believes that the SDGs provide a holistic and comprehensive framework to ground the migration-development nexus;
26. Recalls that the UN Secretary-General's report entitled 'Making migration work for all' highlights that there is a clear body of evidence showing that, despite real challenges, migration is beneficial for both migrants and host communities, in economic and social terms, and can be an engine for economic growth and innovation; strongly supports the perpetuation of a positive narrative on migration and calls for EU and international information campaigns that would draw attention to evidence and counteract racist and xenophobic tendencies in our societies;
27. Calls on UN member states to minimise remittance transfer costs and to address this issue in the current Compact negotiations;
28. Highlights that migration has been recognised as a proactive adaptation strategy, a livelihood scheme against poverty, a contributing factor to inclusive growth and sustainable development;
29. Strongly believes that it is now time to bring together all elements of the UN's

architecture, including the International Organisation for Migration (IOM), to support international efforts to manage migration and consolidate cooperation; deeply regrets, therefore, the decision of the US administration to end its participation in the negotiations for a Global Compact for Safe, Orderly and Regular Migration; calls for the EU to show leadership in this process and to condemn other countries which exit the negotiations or succeed in watering down the content of the final Compact; calls for the EU to live up to its responsibility as a global actor and to work to ensure the successful completion of the negotiations; insists on the need for EU Member States to demonstrate unity and to speak with one voice in support of an international human rights-based regime for managing migration;

30. Considers that opening more legal pathways for migration, including on the basis of realistic analyses of labour market needs, would discourage irregular migration and lead to fewer deaths, less abuse of irregular migrants by smugglers and less exploitation of irregular migrants by unscrupulous employers;
31. Calls on all countries to take appropriate measures to prevent the abuse of human rights and the exploitation of migrants on their own territories, including by employers; calls on UN member states, to this end, to sign, ratify and comply with the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families adopted by General Assembly Resolution 45/158 on 18 December 1990; stresses that the Compact should abide by and be in line with international labour standards, in particular the fundamental principles and rights at work and the relevant ILO and UN Conventions on the protection of migrant workers and their families;
32. Underlines the importance of ensuring adequate support for voluntary return and for the reintegration of people returning to their homeland; stresses that children should be returned only when it is in their best interests, and in a safe, assisted and voluntary manner, using child-specific country of origin information reports and offering long-term support for their reintegration;
33. Invites the UN member states to consider adopting detailed national or subnational action plans, promoting a whole-of-government approach for the implementation of the Compact recommendations in order to address the different dimensions of migration, including development, human rights, security, social aspects, age, and gender, and considering policy implications on health, education, child protection, housing, social inclusion, justice, employment, and social protection;
34. Endorses the call of the New York Declaration for systematic follow-up and reviews of the commitments of Member States on migration; declares its readiness to be associated with this process at EU level and supports the inclusion of migrants and other stakeholders;
35. Calls on the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy to keep Parliament fully informed at all stages of the process leading to the adoption of the Global Compacts;

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36. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Office of the UN High Commissioner for Refugees, the International Organisation for Migration and the United Nations.