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Strengthening inter-parliamentary cooperation on migration and migration governance in view of the adoption of the Global Compact for Safe, Orderly and Regular Migration

Draft resolution submitted by the Standing Committee on Democracy and Human Rights*

Rapporteur: Mr. J.I. Echániz (Spain)

The 139th Assembly of the Inter-Parliamentary Union,

- (1) *Recalling* that migration has been a feature of human civilization from time immemorial and that, when governed humanely and fairly, migration contributes to inclusive and sustainable economic growth and development in both origin and destination countries and strengthens the bonds of human solidarity,
- (2) *Recalling also* all the relevant international instruments, particularly the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Rights of the Child (1989), the International Convention on the Protection of All Migrant Workers and Members of Their Families (1990), the Convention on the Rights of Persons with Disabilities (2006),
- (3) *Affirming* that people on the move, irrespective of their legal status, as all human beings, are entitled to the full enjoyment of the human rights set out in the relevant international treaties and covenants,
- (4) *Conscious* of the burden shouldered by the countries of destination that can come from large, unpredictable movement of persons, and the potential impact on countries of origin of the large-scale migration of skilled workers,
- (5) *Noting* that the international approach to migration governance is still largely ad hoc, and that no equivalent exists for migrants to the clearly-defined status and rights of refugees in international law,
- (6) *Welcoming* the September 2016 New York Declaration for Refugees and Migrants and the subsequent efforts to improve international cooperation and solidarity, and to share equitably the burden and responsibility for migration governance through the preparation of a Global Compact for Safe, Orderly and Regular Migration,

* The delegation of Lebanon expressed reservations on operative paragraph 9.
The delegation of Kuwait expressed reservations on operative paragraphs 9 and 16.
The delegation of Poland expressed reservations on the resolution as a whole.

(7) *Recalling* the commitment of the international parliamentary community to strengthen cooperation on migration governance, with a strong focus on the human rights of migrants, as outlined in the declarations and resolutions on migration adopted by the 130th, 133rd and 138th IPU Assemblies and other IPU documents,

(8) *Underscoring* that migration should be a choice not a necessity, and that, through international legal obligations and commitments such as the 2030 Agenda for Sustainable Development, States have a shared responsibility and have undertaken to address all the root causes of migration such as violence and conflict, poverty, inequality, unemployment and economic exclusion, lack of economic opportunity, especially for women and youth, social inequalities, disregard of rule of law and transparency, violations of human rights, natural disasters and climate change,

(9) *Affirming* the need to uphold common standards for the protection of the human rights of migrants and migration governance, and to ensure a gender- and disability-responsive and child-sensitive approach at all stages of migration,

(10) *Recognizing* the multiple discriminations and forms of violence that migrant women face in countries of origin, transit and destination, particularly those engaged as domestic workers, and reaffirming the need to urge host countries to accept their responsibility in this area,

(11) *Also recognizing* that women constitute the majority of victims of human trafficking, including sexual exploitation and forced labour in domestic work,

(12) *Reaffirming* the sovereign right of States to determine, in accordance with international law, their national migration policy and their prerogative to govern migration within their jurisdiction, and also recognizing the right of States to distinguish between a regular and irregular migration status in their legislative and policy measures on the implementation of the Global Compact for Migration, while taking into account different national realities, policies, priorities and requirements for entry, residence and work,

1. *Welcomes* the process leading to the draft Global Compact for Safe, Orderly and Regular Migration that should be adopted on 10 December 2018, and urges States and their respective parliaments to make full use of this new instrument for improving international cooperation and migration governance;
2. *Calls upon* parliaments in cooperation with their governments to ratify and implement relevant international human rights law and key ILO conventions¹ as well as other relevant international and regional instruments protecting the rights of migrants, women, children and persons in vulnerable situations;
3. *Calls also upon* parliaments to ensure that decisions of sovereign States on migration policies and related legislation, including bilateral and regional agreements, are consistent with their States' international human rights obligations and the rule of law;
4. *Urges* parliamentarians to lead efforts to develop evidence-informed narratives on migration that avoid stereotyping but, instead, enhance integration and social cohesion, and to take vigorous action to combat xenophobia, racism, intolerance and other forms of discrimination;
5. *Calls on* parliaments to promote people's access to comprehensive and up-to-date information on the opportunities, limitations, risks and rights in the event of migration, thus enabling would-be migrants to make informed choices;
6. *Encourages* "whole-of-government" and "whole-of-society" approaches to migration based on partnerships with local authorities, civil society and the private sector, and calls for regular consultation with migrants and diaspora groups in the policy-making process where appropriate, and also calls for gender-sensitive training on migration for all professionals and officials that are in contact with migrants;

¹ In particular ILO conventions 97, 143, 181 and 189.

7. *Urges* parliaments in cooperation with their governments to expand the legal pathways for migration to facilitate labour mobility and skills training, family reunification, and migration for reasons such as armed conflict, gender-based violence, natural disasters and climate change;
8. *Calls on* governments to take measures to promote mutual understanding and respect between migrants and the host society, and, recalling that integration is a two-way task that implies the migrants' respect for the national laws of their destination country, to facilitate migrants' integration in society, inter alia, by way of language courses, vocational training, recognition of educational and professional credentials, information about economic opportunities, protection against discrimination and, in accordance with national legislation, pathways to citizenship for permanent residents;
9. *Recalls* that social protection and labour rights apply to all persons, including migrants, and that regular migrants should have equitable access to social security coverage and portability of contributions and entitlements in accordance with national legislation;
10. *Urges* States to adopt gender-responsive labour policies and legislation, grounded in international labour and human rights standards, with a view to ensuring that all women migrant workers, including domestic and care workers, are protected against all forms of abuse and exploitation, including the confiscation of travel documents;
11. *Strongly condemns* all acts of violence and discrimination against migrant women, particularly domestic workers as a vulnerable group in the host countries, and urges States to take legislative, executive and judiciary measures to combat this form of violence and discrimination;
12. *Calls on* state authorities at their respective levels of competency to ensure all persons, including migrants, have proof of legal identity and nationality and adequate documentation, and effective access to education, health care, and other basic services, regardless of their migration status;
13. *Insists on* due process and access to justice for all migrants and calls for enhanced cooperation among countries of origin, transit and destination in order to ensure the safe and dignified return for migrants who do not have the legal right to stay on a state's territory, to use forced return only as a last resort to seek alternatives to the detention of migrants, and to work seriously towards the elimination of detention of children on migratory grounds;
14. *Calls for* the establishment of an international standard of practice for dealing with, and protecting, migrants in vulnerable situations, including stateless persons and unaccompanied children, and insists on the concept of the "best interest of the child" in migration policy;
15. *Calls also upon* States, particularly countries of origin, to address situations where a child would otherwise be stateless by strengthening measures to reduce statelessness, including ensuring that women and men can equally confer their nationality to their children;
16. *Invites* governments to support the contribution of diasporas to their country of origin by facilitating mobility and investment and by studying the adoption in national legislation of measures to enhance political participation such as the right to vote, dual citizenship and the representation of diasporas in parliament;
17. *Encourages* the development of comprehensive approaches for the sustainable reintegration of returning migrants in the countries of origin, by combining reintegration support targeting individuals and the communities to which migrants return with measures to enhance the governance of migration, livelihood opportunities and the protection of human rights, in general;

18. *Calls on States to take meaningful and coordinated action, including enacting legislation, to dismantle smuggling and trafficking networks and end impunity for trafficking in persons and migrant smuggling, to protect migrants, particularly women and children, from violence, discrimination, exploitation and abuse, and to assist migrants who have become victims of trafficking; and also encourages States to strengthen international cooperation to prevent, investigate, prosecute and combat such acts and to identify and disrupt financial flows related to these activities;*
19. *Urges governments to make full use of the existing data sources on migration, such as the Global Migration Data Portal developed by the International Organization for Migration, and to strengthen country level collection and the sharing of data on migration, disaggregated by age, gender, migration status and other relevant criteria, with a view to informing debates, policy-making and legislation, while protecting personal data;*
20. *Affirms the necessity to exchange information and data on the number of migrants, their countries of origin, the circumstances and causes of their migration, their needs and the efforts needed to assist them;*
21. *Calls on parliaments to require government to report periodically on progress in the implementation of national migration policies, and to use parliamentary tools such as questions to ministers, public hearings and committee enquiries to hold government to account for the results achieved;*
22. *Urges parliaments to actively participate in and support regional integration processes and transnational efforts to coordinate migration policy, and to domesticate relevant regional instruments in national legislation;*
23. *Calls on parliaments to actively engage in the achievement of the 2030 Agenda for Sustainable Development as a means to optimize migration governance and address the major drivers of forced and irregular migration—particularly extreme poverty, climate change and natural disasters, and urges parliaments to promote measures aimed at raising awareness of and maximizing the development benefits of safe, orderly and regular migration;*
24. *Invites all parliaments to participate in the parliamentary meeting on the occasion of the Intergovernmental Conference to adopt a Global Compact for Safe, Orderly and Regular Migration in December 2018 in Marrakesh (Morocco);*
25. *Invites also parliaments to play an active role in follow-up and implementation of the Global Compact and parliamentarians to join national delegations to the International Migration Review Forum, which will meet every four years, beginning in 2022, as the main global mechanism to review the implementation of the Global Compact for Migration;*
26. *Calls on the Inter-Parliamentary Union and its Member Parliaments, with the support of the International Organization for Migration, to develop a "Parliamentary plan of action on migration" by the end of 2019, that operationalizes the commitments in this resolution, the Global Compact for Migration and State obligations under international human rights law, and to report to the IPU on progress in 2021;*
27. *Recommends parliaments to avail of parliamentary exchanges and inter-parliamentary conferences, such as the IPU Assemblies, as platforms for constructive dialogue on migration policy and the protection of migrants.*