

## CONCEPT NOTE

### GANHRI ANNUAL CONFERENCE

**Ensuring human rights-based and gender-responsive implementation, follow-up and review of the Global Compact for Migration: The role of National Human Rights Institutions**

**Wednesday, 6 March 2019  
10 to 18 hours, Room XVIII, Palais des Nations, Geneva**

#### **Background**

On 10 December 2018, the international community adopted the Global Compact for Safe, Orderly and Regular Migration (Global Compact), in Marrakech, Morocco. The Global Compact on Migration is a political agreement for improved migration governance at the global, regional and national level, and shared principles to develop migration policies that assure the respect of human rights.

The Global Compact presents a historic opportunity to ensure human rights-based and gender-responsive migration governance. However, the success of the Global Compact will depend on how it is implemented and monitored, and the extent to which it makes a positive difference in the lives of migrants and the populations in their countries of origin, transit, and destination.

Whilst the Global Compact was negotiated and adopted by States, there is a clear commitment to implement, follow-up and review the Global Compact in cooperation and partnership with all relevant stakeholders. National human rights institutions (NHRIs) have an essential role, as recognised in the Global Compact.

As national institutions with a broad human rights mandate and functions in line with the United Nations Paris Principles, NHRIs have been and can make significant contributions to furthering the human rights-based and gender-responsive implementation of the Global

Compact, and have a particular role to play in following-up and reviewing progress towards the Global Compact's objectives.

NHRIs play unique bridging roles – between international, regional and national spheres; between different government institutions; between government, civil society and rights-holders; across a range of human rights and their State's corresponding international obligations and commitments.

This bridging role positions them particularly well to help implement, follow-up and review the Compact's set of cross-cutting and interdependent guiding principles, including and in particular the principles of people-centred, human rights-based, gender-responsive, child-sensitive, whole-of-government and whole-of-society, ensuring that implementation respects the rule of law and is rooted in the 2030 Agenda for Sustainable Development. They also have a key role in educating and training on the human rights dimension of the Global Compact. Cooperating with other NHRIs, and working collectively through their regional networks and GANHRI, NHRIs are also well placed to address the cross-border nature of migration.

In line with the Paris Principles, NHRIs are vested with a broad set of functions and powers which generally include research; legal and policy advice; education and promotion; monitoring; investigating; handling complaints; cooperating with other national, regional and international organisations; and interacting with the judiciary.

Each of these functions can be leveraged to make distinctive and valuable contributions to the 23 objectives laid out in the Global Compact for Migration,<sup>1</sup> at all stages of

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<sup>1</sup> Some objectives are particularly relevant to the remit of NHRIs, including: collect and utilize accurate and disaggregated data as a basis for evidence-based policies (objective 1); minimize the adverse drivers and structural factors that compel people to leave their country of origin (objective 2); providing accurate and timely information at all stages of migration (objective 3); (5) Enhancing availability and flexibility of pathways for regular migration, in in calling for strengthened protection mechanisms for migrants in vulnerable situations, whether on humanitarian or other (e.g. human rights) grounds (objective 5); addressing and reducing vulnerabilities in migration (objective 7); use migration detention only as a measure of last resort and work towards alternatives (objective 13); provide access to basic services for migrants (objective 15); empower migrants and societies to realise full inclusion and social cohesion (objective 16); eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions on migration (objective 17); cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration (objective 21); and strengthen international cooperation and global partnerships for safe, orderly and regular migration (objective 23).

implementation, follow-up and review, including in the development of national implementation plans; monitoring of progress; and follow-up and review, at national, regional and global levels.

Specifically, NHRI contributions may include:

- *Promoting the development and implementation of human rights-based and gender-responsive national implementation plans:* Whilst the Global Compact is universal, national implementation plans will need to be developed that reflect national contexts and that facilitate coordination, cooperation, implementation, monitoring and review. NHRIs' bridging roles – as outlined above – uniquely position them to promote inclusive consultative processes for priority-setting, policy-making, planning and budgeting – both locally and nationally – that are human rights-based and people-centred, gender-responsive and that adopt a whole-of-government and whole-of-society-approach.
- *Advising governments on human rights-based and gender-responsive implementation:* By assessing laws, policies, administrative practices and budgets, NHRIs can provide valuable advice to governments on how to contextualise and operationalise the Global Compact in full compliance with international human rights. For instance, NHRIs could conduct human rights impact assessments of specific policies and programmes proposed or put in place to implement the Global Compact, taking into specific consideration the multiple and intersecting forms of discrimination that all migrants, and particularly migrant women and girls, may face. They can assess existing policies and programmes through the lens of human rights, not least as part of identifying priorities for national action plans, but also to use the Global Compact as a nudge to review existing practice that does not comply with human rights. Given their advisory role, NHRIs are also well-placed to advise on how to address inequalities and discrimination and develop strategies to promote gender equality and the empowerment of migrant women and girls. NHRIs can also sensitize authorities and public opinion, through training and teaching human rights, to combat all forms of discrimination.
- *Monitoring and holding to account:* NHRIs provide an independent, authoritative source of information and a distinctive lens to collect and analyse data and

information, which can be used to evaluate whether efforts to implement the Global Compact are respecting, protecting and fulfilling human rights and addressing the specific needs of, and vulnerable situations faced by groups in focus including migrant women and girls. NHRIs are also well-placed to track and link the implementation of previous recommendations of other human rights monitoring mechanisms including the Treaty Bodies, the Special Procedures, and the Universal Periodic Review, as well as the review and follow-up mechanisms of the 2030 Agenda and of regional mechanisms, thereby promoting human rights-centred and system-wide coherent implementation monitoring. NHRIs can also cooperate with other NHRIs, which is essential given the cross-border nature of migration, and, for example, exchange information about returnees and identify where policies are putting people at risk.

- *Identifying patterns of inequality and discrimination:* NHRIs are well-positioned to look into systematic or structural problems with regard to discrimination and inequalities in the context of migration. Their broad functions such as investigations, complaints handling and reporting can be used to evidence disadvantages and inequalities faced by migrants, especially migrant women and girls, migrants in vulnerable situations, and other groups in focus, while taking into consideration the multiple and intersecting forms of discrimination they face.

While country contexts and institutional capacities vary widely, the Global Compact will be of critical relevance to the work and mandates of NHRIs all over the world. A number of concrete examples – across all regions – is illustrative of the kind of contributions that NHRIs can, and already do make, to promote human rights-based approaches to migration. Many NHRIs, however, also face obstacles and challenges, including narrowly drawn mandates, constraints on their independence, and lack of capacities. In addition, States often lack responsiveness to NHRIs' advice, and across regions public xenophobic narratives are widespread.

## Objectives

Recognising the importance of the Global Compact process as well as previous and ongoing engagement by individual NHRIs relating to migration, GANHRI established a Task Force on the Global Compact to coordinate the participation and contribution of NHRIs – both in their individual capacity and collectively through their regional networks and GANHRI - during the development of the Global Compact. It is therefore imperative that NHRIs, together with

other stakeholders, act with speed to map out specific strategies and actions post adoption of the Global Compact.

The Annual Conference will bring together participants from NHRIs from all regions, and their partners from the UN and civil society, as well as Member States, to consider the role and contributions of NHRIs towards ensuring human rights-based and gender-responsive implementation, follow-up and review of the Global Compact.

NHRIs and other stakeholders will have an opportunity to highlight initiatives already in place, as well as identify challenges, and identify actions, partnerships and innovative ideas they foresee as means of promoting gender-responsive implementation, follow-up and review of the Global Compact in a way that respects, protects and fulfils the human rights of all migrants and contributes to the empowerment of women and girls.

Participants will also have an opportunity to identify opportunities for cooperation as well as to discuss how the Global Compact architecture – including the International Migration Review Forum, Capacity-Building Mechanism (CBM) and UN Network on Migration – can help to strengthen NHRIs' (including their global and regional networks') capacity, mandate, independence, and overall contributions to migration and migration governance.

The Annual Conference will focus specifically on the roles of NHRIs in relation to:

- **Understanding the Global Compact and the relevance of migration governance to the unique mandate of NHRIs:** How does the content of the Compact align with NHRIs' aims and objectives and existing strategies? How can NHRIs contribute to raising awareness of the Compact and fact-based discussion of its contents and opportunities? What can be learned from existing follow-up and review processes to make the regional and international review fora effective? What can be learned from existing national level processes for review and reporting to international bodies to make review and reporting effective, inclusive and participatory?
- **National implementation:** What can be learned from human rights-based national action planning processes that NHRIs have already contributed to? How can the role of NHRIs be used to identify priority areas for implementation that respects, protects and fulfills human rights? What role can NHRIs play in establishing/supporting inclusive and participatory national action planning? What role can NHRIs play in

establishing/supporting inclusive and participatory monitoring? How can NHRIs contribute to ensuring that differential/discriminatory gendered impact of policies is understood and countered? How can NHRIs create or support platforms for women and girls to be actively engaged in policy development and monitoring?

- **Regional and sub/cross-regional cooperation:** How can NHRIs work together to highlight human rights violations and analyse regional and international patterns? How can NHRIs work together to share good practice in human rights-based implementation? What role should NHRIs play in the regional review fora?
- **Global Follow up and Review:** What role should NHRIs play in the international review fora?

## Outcome

The Annual Conference will conclude with a Statement, which will be developed and adopted by participating NHRIs through a consultative process.

The Statement will serve as guidance for NHRIs' future contributions towards ensuring human rights-based and gender-responsive implementation of the Global Compact, in line with their mandates and functions under the Paris Principles.

## Further details

The Annual Conference will be interpreted into the four GANHRI languages Arabic, English, French and Spanish.

For further information please visit [www.ganhri.org](http://www.ganhri.org) or contact the GANHRI Geneva Representative Katharina Rose ([k.rose@ganhri.org](mailto:k.rose@ganhri.org)).

## DRAFT AGENDA

- 10.00 -10.30      **Opening session** - Welcome and opening statements from GANHRI Chairperson, High Commissioner for Human Rights, UNDP Administrator, President of the Human Rights Council
- 10.30 -11.15      **Session 1 – Setting the scene: Understanding the Global Compact and the relevance of migration governance to the unique mandate of NHRIs**
- 11.15 – 13.00      **Session 2 – National implementation: promoting human rights of all migrants, gender equality and empowerment of migrant women and girls**
- 13.00 – 15.00      Lunch break / side event
- 15.00 – 16.30      **Session 3 – Regional cooperation: the role of NHRIs at the regional system level, and strengthening regional or sub-regional NHRI cooperation on migration**
- 16.30 – 17.30      **Session 4 - Global Follow-up and Review: the role of NHRIs in the International Migration Review Forum, and leading to a specific ask/request from the Conference regarding the upcoming modalities resolution**
- 17.30 – 18.00      **Adoption of the Statement, and closing of Conference**